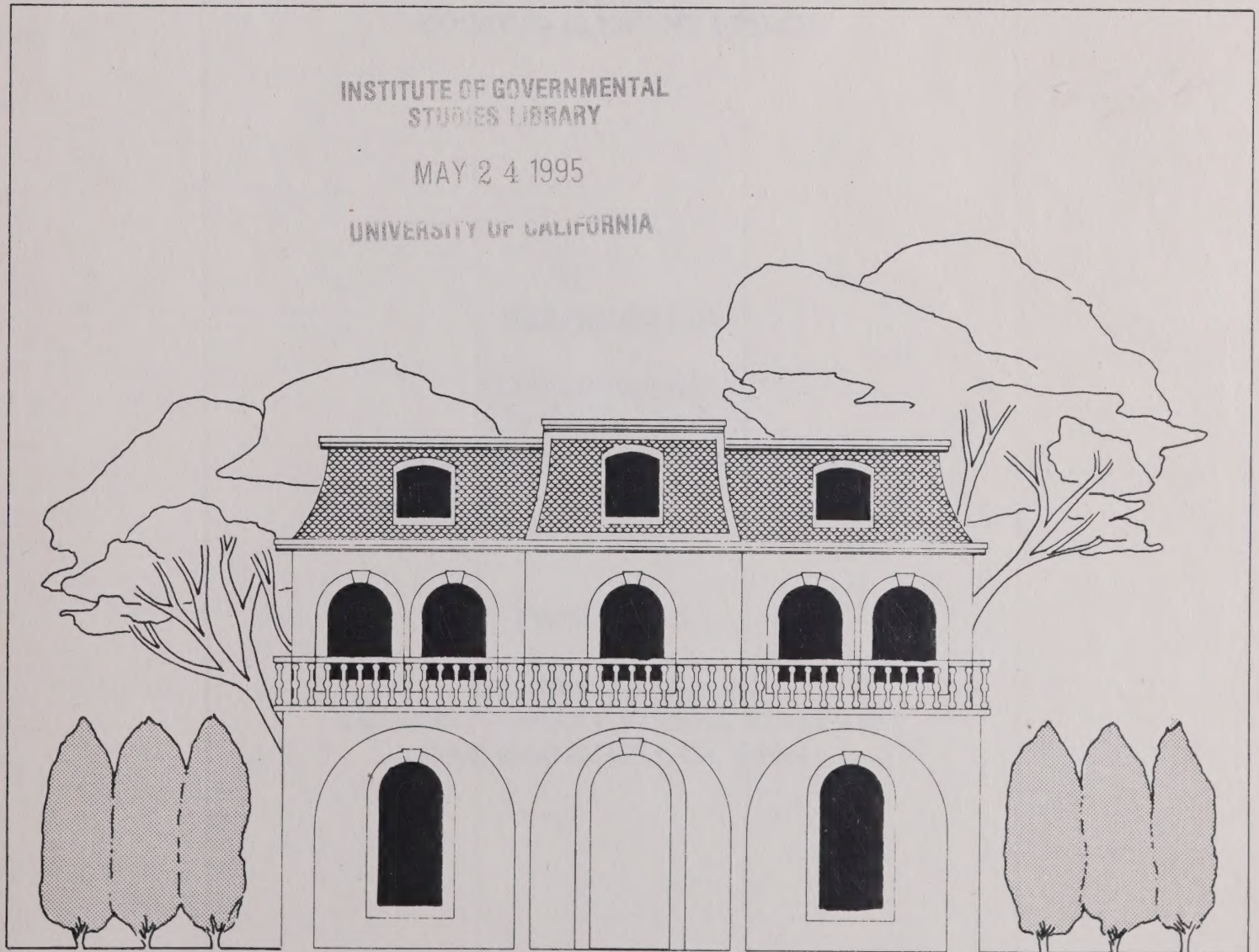


CITY OF PIEDMONT HOUSING ELEMENT UPDATE

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**CITY OF PIEDMONT
FINAL
HOUSING ELEMENT UPDATE**

PREPARED FOR:

**CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CALIFORNIA 94611**

PREPARED BY:

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JANUARY 30, 1992

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I. HOUSING NEEDS ASSESSMENT

HOUSING NEEDS ASSESSMENT

INTRODUCTION

State law requires the City to prepare and update the Housing Element every five years. The City of Piedmont's most recent Housing Element was completed in November 1984. To comply with State requirements an updated Housing Element has been prepared.

Piedmont is an older, well established community in the County of Alameda. It functions primarily as a bedroom community for Oakland, San Francisco and other employment centers. The City lies close to major transportation links in the Bay Area. Piedmont's temperate climate, varied topography, quality public services, proximity to employment centers, residential architecture, and other characteristics contribute to Piedmont's uniqueness. The City's characteristics influence the types of development that are feasible. The Housing Element discusses opportunities and constraints found in Piedmont.

In conformance with Section 65583 of the State Government Code, the City of Piedmont Housing Element identifies and analyzes existing and projected housing needs. This information is provided in Section I, Housing Needs Assessment. A statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement and development of housing are included in Section II. Lastly, the Housing Element identifies adequate sites for housing in Appendix B.

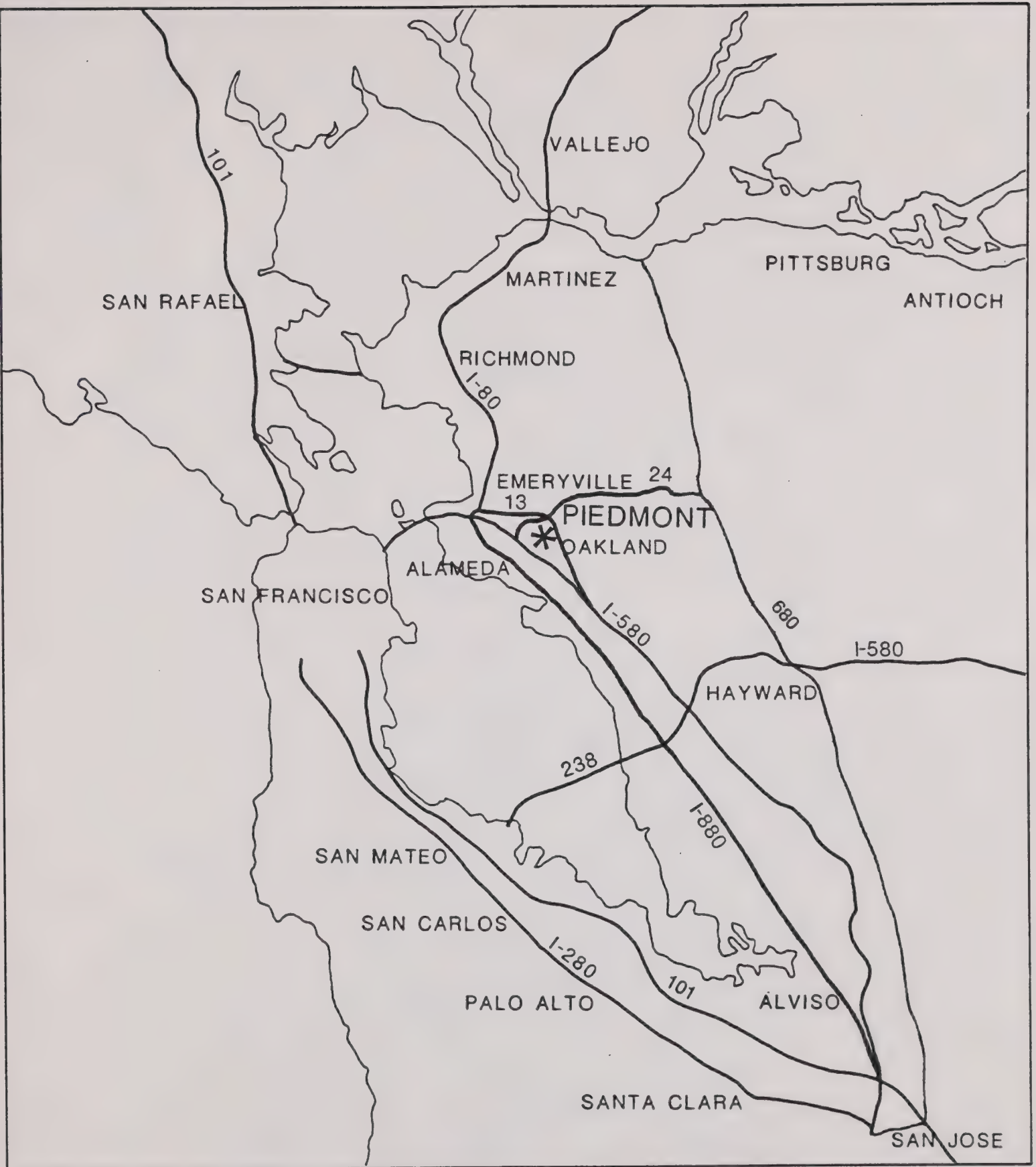
Compared to the Land Use Element of the General Plan which is very broad, the Housing Element specifically identifies and confronts issues which affect the community's housing stock. The Housing Element and the nine other elements serve as the General Plan for the City of Piedmont.

FORMAT AND DATA

The format of the Housing Element closely follows the list of issues which must be analyzed according to Government Code Section 65583 and other sections. Data is provided through various sources including: 1980 U.S. Census, State Department of Finance, Association of Bay Area Governments, and others. Very few figures are available currently from the 1990 Census. Consistencies or inconsistencies between numbers and methodologies have been explained where possible.

PLANNING AREA DEFINITION

The City of Piedmont is located in Alameda County. Exhibit 1 shows the City's regional location. Piedmont is one of the few cities in California completely encircled by another City. The City is less than two square miles, surrounded on all sides by the City of Oakland. Exhibit 2 presents a U.S.G.S. Map that indicates the City Limits.



Source: STA Planning, Inc.

REGIONAL LOCATION MAP

HOUSING ELEMENT UPDATE

City of Piedmont



1" = approx.
6 miles

Exhibit 1



Source: USGS Maps-Oakland East and West

USGS MAP

HOUSING ELEMENT UPDATE
City of Piedmont

STA inc.

0 2000'



Exhibit 2

Piedmont became an independent municipality in 1907. In 1909, the City of Oakland annexed all of its surrounding acreage north and east of the City of Piedmont making common boundaries of the two municipalities.

BACKGROUND FOR PLANNING

This section presents important trends and facts related to Piedmont's development.

Population

The population of the City increased from 1,719 in 1910 to 4,282 in 1920 (149 percent) and to 9,333 by 1930 (118 percent). Today, Piedmont is essentially built out, with a population of 10,498 as of 1980. Table A shows the changes in total population over the past 80 years. The total population remained relatively stable from 1930 to 1980. Household size has generally decreased over the last 10 years to a present level of 2.75. Please refer to Table B. In 1980, there were approximately 3,763 households in Piedmont (1980 U.S. Census).

Housing Stock

A large portion of Piedmont was developed prior to 1940. The 1980 Census reports that 2,666 homes were built in 1939 and earlier. Since 1960, there have been fewer and fewer vacant lots available for development. The number of dwelling units has increased as homes were built on the few vacant lots or created from subdivision of the old estates. Table B summarizes changes in the housing stock since 1940.

In 1980, the City contained approximately 3,837 housing units. All were considered year-round housing units. In January 1990, the number of units increased to 3,870 with 3,870 occupied on a year-round basis. Table C summarizes the number of housing units by type in 1980, 1985, and 1990, the most recent estimate for the City. As the housing unit figures indicate, the City of Piedmont contains a variety of housing types with a dominance of single family dwellings.

Table D presents a comparison of dwelling unit types in each of the nearby jurisdictions. In comparison to other Alameda County jurisdiction, Piedmont has a greater proportion of single-family dwellings. The State Department of Finance uses the Census figures as a base and also updates population and housing figures through City records and electric company records.

TABLE A
POPULATION GROWTH
1910-1980

CENSUS	POPULATION	CHANGE	PERCENTAGE
1910	1,719	--	--
1920	4,282	2,563	149.1%
1930	9,333	5,051	118.0%
1940	9,866	533	5.7%
1950	10,132	266	2.7%
1960	11,117	985	9.7%
1970	10,917	-200	-1.8%
1980	10,498	-419	-3.8%
1990	10,572	74	.70%

Source: U.S. Census of Population

TABLE B
HOUSING UNITS AND HOUSEHOLD SIZE

YEAR	TOTAL HOUSING UNITS	PERCENT CHANGE	HOUSEHOLD SIZE
1940	2,815	--	3.70
1950	3,142	12.0%	3.29
1960	3,649	16.0%	3.18
1970	3,624 (3,724) ¹	-0.7% (+2.1%)	3.07
1980	3,837	6.0% (3.0%)	2.79
1985	3,860	0.6%	2.77
1990	3,870	0.26%	2.75

Sources: U.S. Census of Population and Housing (No data exists from incorporation to 1930); 1985 and 1990 State of California Department of Finance

¹1970 estimate by City of Piedmont

TABLE C
HOUSING UNITS - CITY OF PIEDMONT

UNIT TYPE	1980	1985	1990
Single Family ¹	3,719	3,742	3,752
2 to 4 Plex	73	73	73
Multi-Family ²	45	45	45
Mobile Home	0	0	0
TOTAL (Year-round)	3,837³	3,860	3,870

Source: 1980 Census
1985 and 1990 California State Department of Finance

Notes:

- ¹ Detached and attached units
- ² Includes structures with 5 or more dwelling units
- ³ The total number of housing units includes occupied and vacant units.

TABLE D
DWELLING UNIT BY TYPE OF STRUCTURE - 1990

JURISDICTION	SINGLE FAMILY		2-4 PLEX	5 PLEX +	MOBILE HOME	TOTAL
	DETACHED	ATTACHED				
City of Oakland	70,877	4,740	28,148	51,127	186	155,078
City of Alameda	12,051	2,756	5,280	10,424	56	30,567
City of Emeryville	376	81	496	2,733	8	3,694
City of Piedmont	3,747	5	73	45	0	3,870

Source: State of California Department of Finance, January 1, 1990

In Piedmont, twenty-seven new single-family residences were constructed in the years 1980 through 1988. No homes were constructed in 1989 (City of Piedmont Building Permit Records). Three single-family residential units were approved in 1990.

Between 1980 and 1990, the Department of Finance reports thirty-five homes were constructed. Minus demolitions, total additions to the housing stock equal 33 dwelling units.

Topography

The terrain throughout the City is generally hilly with gentle slopes at the western edge. The slopes in the central and eastern portions of the City are steeper. There is very little flat land in Piedmont, with elevations ranging from 40 feet above sea level to 704 feet at the northernmost boundary of the City. The City is cut by numerous canyons, sloping southwesterly towards San Francisco Bay. Diamond Canyon sets the eastern boundary while the western limits follow the course of Moraga Canyon. Please refer to Exhibit 2 which shows a U.S.G.S. map of the City.

Most of the residential land lies between the 100 foot and 500 foot contours, and slopes vary from gentle to steep. The Encyclopedia of Geomorphology gives the following definition of gentle and steep slopes:

Gentle:	20-30° or less
Steep:	25-30° or more

Construction on hillside lots is more costly than on level ground.

Lack of Land

Since 1960 the City has been essentially built out as indicated on Table B. The housing stock has not increased substantially since 1960. The 1984 Housing Element identified 60 vacant buildable lots. An inventory of vacant and underutilized land conducted in May 1990 revealed approximately 13 sites, with 11 of the sites considered feasible for housing construction. The vacant land survey is discussed in further sections.

The net number of houses constructed since 1984 equals 11 according to the Department of Finance records. The amount of vacant land in 1984 compared with building activity and currently vacant land suggest that the amount of vacant land may have been overestimated in 1984 or that a different methodology was used.

Sphere of Influence

The City of Piedmont is surrounded on all sides by the City of Oakland as discussed under Planning Area definition. The Local Agency Formation Commission has not designated a

Sphere of Influence for the City of Piedmont. Annexations of unincorporated land would be impossible.

City Charter

The land within the City limits is devoted almost exclusively to residential uses, the first precept set forth in the City Charter (Section 9.02 of the Piedmont City Charter). The main objective of the City's incorporation in 1907 was to preserve the single-family residential character of the community. The citizens have reserved for themselves the power to change the zoning of any portion of the City only through their affirmative vote. Any rezoning would require a majority vote of the people.

School System

The Piedmont Unified School District provides an excellent primary and secondary educational system. According to the California Department of Education Assessment Program, the Piedmont Unified School District ranks consistently in the 99th percentile of school districts. Three elementary schools, one middle school, and one high school are located in the City. Special education and continuation classes are also provided. The City's schools contribute greatly to the quality of life in the City. The school system attracts families to the City.

Low Crime Rate

Piedmont's crime rate compares very favorably with State and County crime rates and with those of similar communities. The Public Safety Element of the General Plan reports a rate of 47 crimes per 1000 population. The City of Piedmont has a stable population which is supportive of the Police Department. The Police Department has instituted several crime prevention programs. Because of excellent services, a relatively low crime rate, location in relation to employment centers, climate, and other factors, Piedmont is a desirable place to live.

HOUSEHOLD CHARACTERISTICS

Tenure and Length of Residence

Table E summarizes tenure, length of residence, and overcrowding for the planning area. In 1980, 53 percent of Piedmont homeowners reported their length of residence as over 11 years. Approximately 91 percent of the units are owner-occupied. Approximately 41 percent of renters resided in the City for approximately one year.

TABLE E
HOUSEHOLD CHARACTERISTICS
CITY OF PIEDMONT

CHARACTERISTICS	1980
Average Household Size	2.79
Persons per Family	3.08
Length of Residence Owner Occupied Units	
1 Year	263
2-5	729
6-10	614
11+	1,799
Renter Occupied Units	
1 Year	148
2-5	122
6-10	43
11 +	45
Persons Per Room	
1.00 or less	3,748
1.01 to 1.5	9
1.51 or more	6
Owner Occupied Units	3,405
Renter Occupied Units	358
Total Occupied Units	3,763 ¹

Source: 1980 U.S. Census

¹ This figure is not equal to the number of units on Tables B and C since this figure only includes occupied units and not vacant (units for sale) or seasonally occupied units. The 1980 U.S. Census identified only one unit as being seasonally occupied.

Overcrowding

The U.S. Census defines overcrowding as more than 1 person per room. Approximately .4 percent of a total of 3,763 occupied housing units in 1980 reported more than 1.01 persons per room. No recent figures on overcrowding were available from the County of Alameda or the City of Piedmont. Any change in overcrowding will be reflected in the 1990 U.S. Census figures.

Household Financial Characteristics

Table F indicates the income of a family in 1980. Mean income refers to an averaged income figure where all of the income data is added, then divided by the number of data records. The mean income for the City equalled \$47,572 in 1980. ABAG has estimated that Piedmont's mean income for 1990 equals \$85,400 (in constant 1988 dollars). In constant 1988 dollars, the City's 1980 income would be equivalent to \$77,678. Please refer to Table G.

Table H indicates the qualifying incomes necessary to rent or purchase dwelling units built with subsidies in Alameda County. These are based on a median income figure. Median income refers to the income estimate at which point there are an equal amount of data records above and below. According to Table H, qualifying incomes are lower than the incomes of Piedmont's residents.

A household classified as very low income earns 50 percent of the median income. A low income household earns between 50 percent and 80 percent of the median income. A moderate income household earns between 80 percent and 120 percent of the median income. For a household of four persons, the median income limit is estimated to be \$44,100 annually. The same size household classified as very low income, earns approximately \$22,500.

Table I indicates the percentages of households in the City in each category. These are based on 1980 Census data. As indicated, the largest income group in the City consists of above moderate income households, 68 percent.

The State California requires local councils of governments to prepare regional fair share allocations. The Association of Bay Area Governments, (ABAG) is the regional body which prepares the allocations for the 9-County Bay Area Region. In preparing the allocations, ABAG modifies the City's income percentages by County percentages to promote a more equitable distribution of housing opportunities, and to avoid further compaction of communities with higher concentrations of low income households. Refer to Table I which indicates Piedmont's averaged income percentages. The City's above moderate income percentage is adjusted downward to 51 percent reflecting the fact that it has a higher proportion of above moderate income households than the County. Similarly, the very low income percentage is adjusted upwards to account for the lower proportion of these households in the City. The averaged percentages are then used by ABAG to project housing needs by income category. Housing needs are discussed in further sections.

TABLE F
FINANCIAL CHARACTERISTICS
CITY OF PIEDMONT

CHARACTERISTIC	1980
Median Household Income (1979)	\$35,540
Mean Household Income (1979)	\$47,572 ¹
Median Contract Rent	\$427
Median Gross Rent	\$500+
Median Monthly Homeowner Costs	
With Mortgage	\$605
W/O Mortgage	\$170

Source: 1980 U.S. Census

¹ ABAG estimates that Piedmont's 1990 mean household income equals \$85,400 (in constant 1988 dollars).

TABLE G
MEAN HOUSEHOLD INCOME (in constant 1988 Dollars)
CITY OF PIEDMONT

AREA	1980	1985	1990	1995	2000	2005
Alameda County	35,609	37,800	40,100	43,000	45,100	46,900
Piedmont	77,678 ¹	81,600	85,400	90,200	93,700	98,500

Source: ABAG Projections '90

¹ This estimate is much higher than the 1980 U.S. Census income figure of \$47,572 because it is expressed in constant 1988 dollars.

TABLE H
FEBRUARY 1990 INCOME LIMITS
ALAMEDA COUNTY

STANDARD	NUMBER OF PERSONS IN FAMILY							
	1	2	3	4	5	6	7	8
Very low income	15,750	18,000	20,250	22,500	24,300	26,100	27,900	29,700
Lower income	24,700	28,250	31,750	35,300	37,500	39,700	41,950	44,150
Median income	30,850	35,300	39,700	44,100	46,850	49,600	52,350	55,150
Moderate income	37,050	42,350	47,650	52,900	56,250	59,550	62,850	66,150

Source: Department of Housing and Community Development, February, 1990

TABLE I
1980 INCOME PERCENTAGES

INCOME	CITY	COUNTY	AVERAGED ¹
Very Low	9%	25%	20%
Low	9%	20%	14%
Moderate	14%	21%	18%
Above Moderate	68%	34%	48%

Sources: ABAG Housing Needs Determinations, January 1989

¹ Existing City percentages are averaged with existing County and regional percentages to determine the percentage to be applied to the projected housing need.

According to State law, a lower-income household that pays more than 25 percent of its income for housing is living in unaffordable housing. The federal government's measure of overpayment is 30 percent of a household's income. ABAG has calculated the percentages of low income homeowners and renters that pay in excess of 25% of their income for housing based on the 1980 Census. Table J indicates that 42 percent of Piedmont's low income homeowners and 58 percent of the City's low income renters pay in excess of 25% of their income for housing.

Moderate and above moderate income families often pay more than 25 percent of their income for housing. Loans may be approved for qualifying buyers who will pay over 30 percent of their income on housing (depending on lending institution policies). The cost of financing is discussed in later sections.

Rents

The median contract rent equalled \$427 in 1980. Current ranges of contract rents are provided in Table K. These figures assume that the unit is of average to upgraded quality. Local Piedmont realtors describe the rental unit market as firm, and predict people to continue to rent homes as a result of the increase in price of homes. Units are usually rented quickly due to the high price of owning a home, a desirable school system, and a low crime rate.

Affordable rents based on current income limits appear in Table L. While the State's definition of unaffordability refers to a low income household that pays more than 25% of its income, other State statutes use 30% as a standard for calculations. The affordable rents on Table L are calculated according to the provisions of the State Density Bonus law.

As indicated by Tables K and L, moderate income families may pay less than 30% of their income for a 2 bedroom dwelling unit in the City of Piedmont. Very low and low income families would need to spend more than 30% of their income in order to rent a unit within the City.

Home Sales Prices

Values of single family homes have risen since the 1980 Census throughout California. The median value of owner occupied units in the City of Piedmont equalled \$192,000 in 1980. Contacts with various realty offices have shown the following sales prices:

<u>Type</u>	<u>July 1990</u>	<u>March 1990</u>
2 bedroom/1 bath	\$356,000	\$374,380
3 bedroom/2 bath	\$396,500	\$385,000
3-4 bedroom/3 bath	\$572,000	\$469,000
4+ bedroom/3 bath	\$495,000 - \$930,000	\$688,000 - \$1,600,000

TABLE J
TENURE AND INCOME SPENT ON HOUSING
CITY OF PIEDMONT

CHARACTERISTIC	NUMBER
Total Households	3,763
# of Low Income Households Owning	579
# of Low Income Households Renting	147
# of Low Income Households Paying over 25% of Owner's Income	245
# of Low Income Households Paying over 25% of Renter's Income	85
Proportion of Low Income Owners Paying over 25% of Income	.42
Proportion of Low Income Renters Paying over 25% of Income	.58

Source: ABAG, Housing Needs Determinations, January 1989
1980 U.S. Census

TABLE K
1990 CONTRACT RENTS
CITY OF PIEDMONT

UNIT TYPE	RENTAL PRICE RANGE
1 Bedroom	\$1,150
2 Bedroom	\$1,250-2,000

Sources: The Montclarian, September 1990
The Piedmonter, September 1990

TABLE L
AFFORDABLE RENTS

INCOME GROUP	% OF MEDIAN INCOME	RENT
<u>Under State Density Bonus Provisions</u>		
Very Low	50%	\$551.25
Low	60%	\$661.50
<u>HUD Categories</u>		
Very Low	50%	\$551.25
Low Income	50%-80%	\$551.25 - \$882.00
Moderate	80%-120%	\$882.00 - \$1,323.00

Source: STA Planning, Inc.

Note: Calculations are based on the following:

$$[\% \text{ of median income} \times \text{median income} \times .30] \div 12$$

Thirty percent is used in the calculation according to the State Density Bonus law.

The estimated median income for a family of four in Alameda County is \$44,100 as shown on Table H. Affordable rents are based on this income figure.

Rents and current selling prices are not directly comparable to Census figures which did not specify rents and values for different sizes and types of units.

SPECIAL NEEDS GROUPS

Handicapped

Within the Census, a disabled household is one in which the householder has an employment-related or transportation-related disability.

In order to find more current information on the needs of the handicapped, the following agencies were contacted:

- Rehabilitation Services of Northern California
- Department of Social Services, Alameda County
- Alameda Physical Therapy, Inc.
- Easter Seal Society of Alameda County, Rehabilitation Center
- Highland Hospital

No information on Piedmont or Alameda County was available.

The only data available on the handicapped population in Piedmont relates to work disability and public transportation disability from the 1980 Census as shown on Table M.

The percentage of persons with a work disability is lower in Piedmont than the total County. This is also the case for those with a public transportation disability.

Elderly

To ascertain current needs of the elderly in Piedmont, the following organizations were contacted:

- Piedmont Community Church
- Piedmont Neighborhood Church
- Zion Lutheran Church
- Corpus Christi Church
- Gerontology Associates

No specific needs were identified. All of the churches provide social activities and religious studies on a regular basis. City programs include the You Are Not Alone program where police dispatchers call participants daily at a mutually pre-selected hour to determine if assistance is needed.

TABLE M
DISABILITY STATUS OF
NONINSTITUTIONALIZED PERSONS

COUNTY	PIEDMONT		ALAMEDA	
	No.	%	No.	%
Total Persons 16 - 64 years	6,595	N/A	748,871	N/A
With a Work Disability:				
In Labor Force	250	3.8%	62,882	8.3%
Not In Labor Force	158	2.4%	39,937	5.3%
Prevented from Working	114	1.7%	32,689	4.4%
Not Prevented from Working	44	0.7%	7,248	1.0%
Persons 16-64 Years with a Public Transportation Disability	74	1.1%	14,423	1.9%
Persons 65 and over	1,549	N/A	106,421	N/A
65 Years and Older with a Public Transportation Disability	201	13.0%	17,500	16.4%

Source: 1980 Census of Population and Housing

Within State law, elderly is defined as age 60 and older. The U.S. Census Bureau often provides statistics for persons aged 65 years and over since many persons retire at that age. Compared to other cities within Alameda County, the City of Piedmont has a relatively high percentage of elderly. Table N shows a comparison of Piedmont's elderly population relative to other cities in Alameda County.

As estimated in the 1970 Census for Piedmont, seniors 65 years and over represented 1,597 persons. Elderly over 65 years of age decreased slightly in 1980 Census estimates to 1,576 persons. Over that same decade the City's total population declined from 10,917 to 10,498, a greater decline than the elderly population.

Using the State definition of elderly (60 years and older), the City included 2,117 persons aged 60 years and over (approximately 20% of the total 1980 population).

Of the over-65 age group in Piedmont, women comprise 56.7 percent of the population as compared to 43.3 percent for men. According to the 1980 Census, 309 of the elderly population (19.6 %) were living alone, while another 65 (4.0 %) were living with unrelated individuals in a nonfamily household. The remaining 1,202 were living with a spouse or other relative in a family household.

No specially designed housing facility for the elderly exists in Piedmont, making it necessary for some to move out of the area. Some individuals and couples in the 55 to 70 age group choose to move to the more sheltered environment of Rossmoor in Walnut Creek or to Oakland in large-scale multi-unit senior complexes.

Second units can provide relatively affordable housing units for senior citizens. Currently there are 132 second units registered within the City of Piedmont (City of Piedmont, Public Works Department records). No information on occupant age is available.

Large Families

Large households, defined in the 1980 census as households with five or more persons, have special housing needs. Large households tend to have difficulties purchasing housing because large housing units are rarely affordable and rental units with three or more bedrooms may not be common in many communities (LHEAP, December 1989).

In general, household size in Piedmont has remained fairly low. Household size is summarized on Table B. In 1990, the Department of Finance estimated household size to be 2.75. In 1980, the average persons per family equalled 2.79 according to the U.S. Census. In 1980, 395 units contained 5 or more persons. This is approximately 11 percent of 3,763 occupied housing units. The median number of persons per owner-occupied units equalled 2.47. The median number of persons in renter-occupied units equalled 2.27. Homes in Piedmont tend to contain several rooms. The majority of occupied units (1,790) contain 8 or more rooms according to the 1980 Census.

TABLE N

ELDERLY

	TOTAL POPULATION	OVER 65 YEARS	% OF POPULATION	OVER 60 YEARS	% OF POPULATION
City of Alameda	63,852	7,709	12%	10,795	17%
City of Albany	13,893	2,357	16%	3,074	22%
City of Oakland	339,337	44,795	13%	60,341	18%
City of Piedmont	10,498	1,576	15%	2,117	20%

Source: 1980 U.S. Census of Population

Farmworkers

The City of Piedmont has no agricultural land available for farming. No farmworkers are anticipated to exist within the City. According to the 1980 Census, 85 persons who live in Piedmont were employed by farming, forestry, and fishing industries. Employment is reported by persons and not by location of job. Type of job (i.e. executive vs. laborer) was not further defined for those industries.

Female Heads of Households

The 1980 U.S. Census reported 353 female-headed households in Piedmont. They represent 3.4% of Piedmont's 1980 population. Of the 353 households, 219 households had children under 18 years of age. No female-headed households had incomes under the poverty level in 1979 according to the 1980 census. The U.S. Census does not provide statistics on single male-headed households. Piedmont's female-headed households contrast with the statewide characteristics of female-headed households. Statewide, these households tend to have low incomes and a high poverty rate.

No recent information on single-parent households was attainable from the County of Alameda. Any change in household type will be reflected in the 1990 U.S. Census.

Homeless

The homeless include single persons and persons with families who spend the night in emergency shelters or hotel or motel rooms with the aid of emergency shelter vouchers, as well as those actually on the streets. The 1987 Statewide Housing Plan includes an estimate of between 50,000 and 75,000 homeless persons in California.

Prior to assisting homeless persons and families find employment and obtain housing, transitional assistance in the form of emergency food or shelter may be needed. No formal shelters for the homeless exist in Piedmont. The following agencies were contacted in order to assess the number of homeless, if any, in Piedmont or from Piedmont:

- 1) **Piedmont Police Department**
- 2) **Emergency Shelter Program, Inc. - Alameda**
- 3) **Safe Place Womens Shelter**
- 4) **Salvation Army Shelter Program**
- 5) **Volunteers of America**
- 6) **Berkeley Support Services Emergency Shelter**
- 7) **Midway Center**
- 8) **Corpus Christi Church**
- 9) **Piedmont Community Church**
- 10) **Piedmont Neighborhood Church**

Local shelter agencies, police, and churches report no homeless in the City. The Emergency Services Network of Alameda County reports that none of the sheltered homeless consider Piedmont their place of residence. (Emergency Services Network, Homeless in Alameda County 1990)

HOUSING STOCK CONDITIONS

Table O summarizes housing stock conditions for the planning area. A majority of the units were constructed prior to 1960. Units lacking heating showed five reports. Units lacking complete plumbing for exclusive use showed nine reports.

Over two-thirds (69 percent) of the housing stock was built prior to 1940. Only 3 percent of the housing units have been built since 1970. Almost all of the renters reside in housing units built prior to 1950 (1980 U.S. Census of Housing).

In Piedmont, the age of the housing stock may not present a true picture of the general condition of housing. Most homes are well-built and exceptionally well-maintained, and many homes have been renovated or extensively remodeled over the years.

Few units are in disrepair. Alameda County has notified the City of one home needing minor repairs. Some problems do exist, but none are considered to have any potential threats to occupant health or safety.

VACANCY RATES

The current overall vacancy rate for the City in 1990 equals 1.94 percent according to the State Department of Finance.

Current rental vacancy rates are considered low, because there is a continuous demand for rental units. As the purchase of a home becomes more unaffordable there is generally a higher demand for rentals.

EXISTING AND PROJECTED HOUSING NEEDS AND CONSTRAINTS

Population Trends

Table P shows population distributions populations and household totals for Piedmont and Alameda County between the years 1980 and 2005. Estimates show a small increase then gradual decline of approximately 498 persons by the year 2005. These trends were prepared by ABAG and used in the calculation of housing needs.

TABLE O
HOUSING STOCK CHARACTERISTICS
CITY OF PIEDMONT

CHARACTERISTIC	1980
Year Structure Built	
1939 and earlier	2,666
1940 to 1960	831
1960 to 1980	340
Units Lacking Heating Fuel	5
Lacking Complete Plumbing for Exclusive Use (Year Round)	9

Source: 1980 U.S. Census

TABLE P
POPULATION TRENDS

AREA	1980	1985	1990	1995	2000	2005
Piedmont Total Population	10,498	10,500	10,300	10,100	10,000	10,000
Piedmont Household Population	10,498	10,500	10,300	10,100	10,000	10,000
Alameda County Total Population	1,104,379	1,191,450	1,256,650	1,313,450	1,360,300	1,414,000
Alameda County Household Population	1,077,339	1,156,150	1,218,250	1,273,200	1,317,300	1,368,100

Source: ABAG, Projections '87

TABLE Q
EMPLOYMENT TRENDS - JOBS IN PIEDMONT

YEAR	1980	1985	% CHANGE	1990	% CHANGE	1995	% CHANGE	2000	% CHANGE	2005	% CHANGE
Agriculture and Mining	39	30	-23%	30	0%	20	-33%	20	0%	20	0%
Manufacturing and Wholesale	17	20	17.6%	20	0%	20	0%	20	0%	20	0%
Retail	109	120	+10.1%	130	+8.3%	130	0%	140	+7.1%	150	+7.1%
Services	425	540	+27.1%	530	-1.9%	520	-1.9%	510	-2%	480	-5.9%
Other Jobs	426	450	+5.6%	460	2.2%	470	+2.2%	470	0%	450	-4.3%

Source: ABAG Projections '87

Employment Trends

The City includes 3.7 acres of land designated and used for commercial uses. These uses provide needed services to the residents of the City. The City of Piedmont does not contain any additional commercial opportunities.

ABAG predicts nominal changes in most employment categories. These categories are associated with Standard Industrial Classification (SIC) codes. Table Q displays the projections from the year 1980 and 2005. Categories include the following types of jobs:

- Agriculture and Mining - includes SIC codes 1-9, 10-14 (excluding 074). Examples of codes relevant to Piedmont include landscape and horticultural services.
- Manufacturing and Wholesale - includes SIC codes 20-39 and 50-51. Examples relevant to Piedmont include automobile parts and supplies, as well as others.
- Retail - includes all jobs in SIC codes 52 to 59. Examples relevant to Piedmont may include hardware stores, automobile stations, eating and drinking places, as well as others.
- Services - includes all jobs in SIC codes 70-89 and SIC code 074. Examples include auto repair, miscellaneous repair, personal services (e.g. launderers, health services, etc.)
- Other - includes all jobs in SIC codes 15-17 (construction); 40-49 (transportation, communications, utilities); 60-67 (finance, insurance real estate); and 91-97 (government). Construction includes general building contractors, heavy construction excluding buildings (e.g. streets, bridges, utility lines), special trade contractors (e.g. plumbing, electrical work, masonry, carpentry, and others). Transportation, communication and utilities include local and inter-urban passenger transit, U.S. Postal service, telephone services, radio and T.V. services, electric services, natural gas transmission and others.

The 1980 figures are based on 1980 address data and U.S. Bureau of Commerce. The 1985 number is an estimate. All other numbers are projections that represent the expectations of demand for the job in the City.

The jobs refer to full or part time activities that individuals perform to receive income. Jobs are reported by where workers are employed rather than where workers live. ABAG includes wage and salary workers plus self-employed persons for 1980. However, for 1985 and subsequent forecast years, job figures exclude any increase in the self-employed.

The number of jobs and workers are not the same within the region because some workers hold more than one job, some who work in the region live elsewhere, and some Bay Area residents commute to jobs outside the region.

These employment trends were prepared by ABAG and used in the calculation of housing needs.

Existing and Projected Housing Needs

In January 1989, the Association of Bay Area Governments (ABAG) published its assessment of Regional Housing Needs as required by State law. Six factors are assumed in ABAG's estimate of existing and projected housing needs.

- Market Demand for Housing
- Employment Opportunities
- Availability of Suitable Sites and Public Facilities
- Commuting Patterns
- Type and Tenure of Housing
- Housing Needs of Farmworkers

The calculation of existing housing need is the difference between the number of units actually available in the jurisdiction and the number that should have been available based on an optimal vacancy rate. The "optimal" rate assumed by ABAG is 4.5 percent. The rate is a goal for the Bay Area Region.

Table R provides a breakdown of the projected need by time frames. Piedmont's existing housing need equals 22 units. The projected need equals seven units. This is the number of additional housing units needed to accommodate a greater share of the local labor supply. Including the existing need, the 1990-1995 projected need equals 29 units.

The number of units that must be provided in each income category is listed on Table S. As indicated, the majority of units must be provided for above moderate income households and very low income households, 14 and 6 units respectively.

Governmental Constraints

Governmental constraints refer to any ordinances and policies that are excessively restrictive that constrain the maintenance, improvement or development of housing. Each City ordinance or plan related to housing is analyzed below for constraints.

TABLE R
EXISTING AND PROJECTED HOUSING NEEDS
CITY OF PIEDMONT

TIME FRAME	NEED
Existing Need	22
1988-1990 Projected Need	22
1990-1995 Projected Need	7
TOTAL PROJECTED	29

Source: ABAG, Housing Projections, January 1989

TABLE S
PROJECTED HOUSING NEED BY INCOME CATEGORY
CITY OF PIEDMONT

CATEGORY	NUMBER OF UNITS
Very Low	6
Low	4
Moderate	5
Above Moderate	14

Source: ABAG, Housing Projections, January 1989

Piedmont General Plan

LAND USE ELEMENT

Several General Plan Elements directly or indirectly regulate housing maintenance and/or development. The Land Use Element establishes residential designations and densities as follows:

- Estate Single Family (1-2 units/acre)
- Suburban-Single Family (2-4 units/acre)
- Medium-Multi Family (8-20 units/acre)

Currently, Piedmont continues to designate a majority of its land for single family uses. Existing single family uses include 772.4 acres, 69.4 percent of the City's total 1,112.3 acres.

Several land use policies influence residential development within the City by prescribing density standards, design requirements, use restrictions, open space requirements, consistency with zoning regulations, land use compatibility, and review of projects for properties split with Oakland. Several Land Use Element policies address housing such as:

Consider adoption of a Planned Unit Development Ordinance.

Provide for types of attached single-family housing which would be compatible with existing single-family character. (i.e. duplexes)

Analyze alternative land uses which include, but are not limited to, public uses, parks (particularly grass playfields), open space, and residential uses.

These implementation programs have not been pursued. The applicability of a PUD ordinance to Piedmont is questionable. The little amount of vacant land of sufficient size would hinder the use of such an ordinance. Alternative land uses for the Moraga Canyon area have not been studied. The General Plan designates the area with open space and public/quasi-public uses. These designations will probably remain the same given the lack of open space and parks and land suitable for government uses.

Other policies and implementation programs are general and do not substantially affect the production of housing.

CIRCULATION ELEMENT

Circulation Element policies ensure safe and efficient circulation patterns, and do not constrain the maintenance, improvement or development of housing.

HOUSING ELEMENT

Current Housing Element goals, policies, and implementation programs promote the maintenance and development of housing. Over half of the programs have been implemented such as adoption of a Zoning Ordinance and Map. Some programs have not been implemented such as the establishment of a plan for the Moraga Canyon area due to lack of staff, financing, and alternate priorities.

EDUCATIONAL AND CULTURAL FACILITIES ELEMENT

The Educational and Cultural Facilities Element goals and policies promotes the provision of educational and cultural facilities. Many of the policies have been implemented including the provision of library services to Piedmont residents.

RECREATIONAL FACILITIES AND PROGRAMS

Recreational Facilities and Programs Element policies require adequate use of land for recreational facilities, and parks. According to the Element "a city of Piedmont's size (10,000 residents) should have 14 acres of grass play fields (Base Source: Purdue University, Guidelines for Evaluating Public Parks and Recreation)." However, the City had only 4.6 acres in 1984. Since 1984, approximately 0.5 acres have been developed with grass playfield uses.

Element policies require 65-110 acres for developed parkland. Existing parkland in the City amounts to 38 acres. Including all open space run by the City, schools, and Oakland, open space totals 53 acres. Many of the policies have been or are in the process of being implemented. The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land.

Since the 1984 General Plan, a Turfed Facilities Task Force has studied potential recreation uses in the Moraga Canyon area. No consensus has been reached on use of the property. (Task Force Meeting Minutes 1990)

PUBLIC UTILITIES AND SERVICES ELEMENT

Public Utilities and Services Element policies promote delivery of services consistent with the needs of Piedmont residents and will not cause any constraints to the maintenance and development of housing. Many of the policies have been implemented.

PUBLIC SAFETY ELEMENT

Public Safety Element policies promote and provide Piedmont residents with the maximum level of public safety services, and will not cause any constraints to the maintenance and development of housing. Many of the policies have been implemented or are in the process of being implemented.

ENVIRONMENTAL HAZARD ELEMENT

Environmental Hazard Element goals and policies minimize the loss of life, injuries, and damage to property of the City's residents resulting from natural or manmade disasters. Some goals and policies maintain the quiet character of Piedmont. These goals do not constrain the maintenance and/or the development of housing. Many of the policies have been implemented or are in the process of being implemented.

COMMUNITY DESIGN AND APPEARANCE ELEMENT

Community Design and Appearance Element addresses the preservation of historic and architectural resources, trees, and aesthetic character. It also discusses the appearance of signs and subdivision regulations. The goals, policies, and implementation programs are general and do not present a constraint to housing.

FISCAL RESOURCES ELEMENT

Fiscal Resources Element policies ensure that the City maintains a sound financial position, and do not constrain maintenance, improvement or development of housing.

Piedmont Municipal Code - Chapter 17

Chapter 17 of the Municipal Code (Zoning Ordinance) provides regulations regarding uses, densities, lot standards, heights, setbacks, parking, signage, and other issues. Several residential designations are described on Table T. Exhibit 3 depicts the Zoning Map.

Minimum lot sizes are shown on Table T. Single-family zones indicate a maximum possible density of approximately 2 dwelling units to an acre (Estate) to four dwelling units per acre (Single-Family Residential). Requirements for larger lot sizes can constrain the development of affordable housing which tends to be built at higher densities. Given topography constraints, it is unlikely that many sites could accommodate additional structures.

Approximately 3.7 acres of land are zoned for multi-family uses. Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built. The zone recognizes existing multi-family areas. There are further City charter restrictions on rezoning of residential areas to multi-family zones as shown below:

SECTION 9.02 ZONING SYSTEM

The City of Piedmont is primarily a residential city, and the City Council shall have power to establish a zoning system within the City as may in its judgment be most beneficial. The Council may classify and reclassify the zones established, but no existing zones shall be reduced or enlarged with respect to size or area, and no zones

TABLE T
RESIDENTIAL DENSITY DESIGNATIONS

ZONE DISTRICT	USES PERMITTED	<u>ZONING ORDINANCE</u>		BUILDING HEIGHT	RESIDENT PARKING	<u>GENERAL PLAN</u>	
		MINIMUM LOT AREA				GENERAL PLAN DESIGNATION	GENERAL PLAN DENSITY
A	Single-Family Residential	10,000 sf.	35' max.	2 spaces/suburban lot	Suburban		2-4 du/acre (10,890 s.f.-21,780 s.f.)
B	Public Facilities	10,000 sf.	25' max.	1 space/250 sf.	Public/Quasi Public		N/A
C	Multi-Family Density Residential	2,000 sf.	35'	2 spaces/d.u.	Medium		8-20 units/acre (2,178 s.f.-5,445 s.f.)
D	Commercial	10,000 sf.	35'	1 space/150 s.f. ¹	Commercial		N/A
E	Single-Family Residential Estate	20,000 sf.	35'	2 spaces/d.u.	Estate		1-2 units/acre 21,780 s.f.-43,560 s.f.)

Source: City of Piedmont General Plan and Municipal Code (Chapter 17)

¹One space is required for 150 square feet of floor area of eating facilities or other similar high intensity uses. One non-tandem parking space is required for each 250 square feet of floor area for retail stores, offices, and other low intensity uses.



Source: Harris & Associates

ZONING MAP **HOUSING ELEMENT UPDATE** City of Piedmont



Exhibit 3

shall be reclassified without submitting the question to a vote at a general or special election. No zone shall be reduced or enlarged and no zones reclassified unless a majority of the voters voting upon the same shall vote in favor thereof; provided that any property which is zoned for uses other than or in addition to a single-family dwelling may be voluntarily rezoned by the owners thereof filing a written document executed by all of the owners thereof under penalty of perjury stating that the only use on such properties shall be a single-family dwelling, and such rezoning shall not require a vote of the electors as set forth above.

The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units.

The City's Zoning Ordinance (Chapter 17.6.2) requires City Veterans' and other public agencies buildings to be used by governmental entities or other non-profit entities allowed by the City. This policy could possibly allow non-profit housing developers to use public structures.

Chapter 17.20.1(g) regarding design review promotes development which improves property values and prevents blighted areas. Section 17.23.6 allows the approval of a conditional use permit if findings can be made that the use will not adversely affect the property values of homes in the surrounding neighborhoods. In Zone C, multi-family units are conditionally permitted. Due to the perception that affordable housing reduces property values, this provision could constrain the types of housing approved. Despite this perception, research has shown in 14 out of 15 cases that affordable housing developments do not adversely affect property values (HCD 1988).

All zoning districts permit single-family dwellings. Type of construction (wood frame or masonry vs. manufactured) is not specified. The process by which manufactured homes and mobilehome parks are reviewed is regulated by State law (Government Code sections 65852.3 and 65852.7). The City's Municipal Code should be reviewed and revised as necessary to reflect State statutes.

An implementing ordinance to provide mechanisms for density bonuses or other incentives of equal value should be incorporated into the Municipal Code in accordance with Government Code Section 65913.1. Provisions for density bonuses or other incentives are normally incorporated into zoning ordinances.

Second units, though not addressed in the Zoning Ordinance are governed by Piedmont's Second Unit Ordinance. The Second Unit Ordinance is described below.

The City Charter declares that Piedmont is to be primarily a residential community. This is reflected in Chapter 17. Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing.

City of Piedmont Municipal Code - Chapter 17D

Chapter 17D regulates the use and development of second units. Second units are known as in-law apartments, granny flats, and accessory apartments. By definition a second unit is ". . . an additional residential unit on the same lot which provides complete independent living facilities for one or more persons" (HCD March 1989). They offer a source of relatively affordable housing within a community. A community may ease a rental housing deficit with second units. They, in some instances, can enable the elderly to extend independent living time.

If a local government does not wish to use State criteria for second units, the locality can adopt their own second unit ordinance. Piedmont's Second Unit Ordinance was adopted in 1988 by the City Council. The ordinance distinguishes between two types of units:

- 17.D.1(a) "Second dwelling unit" is one or more living, sleeping and other rooms contained in an existing structure or on the same parcel of land, containing a kitchen, and sanitary facilities, and used as a self-contained residence for consideration by a person or persons not members of the owner's immediate family. The second dwelling unit and the primary residence unit must be under the same ownership.
- 17.D.1(c) "Separate living quarters" is a dwelling unit which would be a "second dwelling unit" as defined in 17D.1(a) except that:
 - (1) No rent or consideration is given; or
 - (2) The unit is occupied by gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service on-site for a single employer and such employees have no other employment and are taking no more than six units per quarter or semester at a bona fide institution of higher learning.

Beginning in January 1992, second dwelling units in single-family zones which are not "grandfathered" are prohibited. Pursuant to Chapter 17D of the City Municipal Code, approximately 132 second units have been registered with the City. Of these, twenty-nine units are exempt. (City of Piedmont, Public Works Department Records). Separate living quarters are and will be allowed in single-family zones. As may be deemed appropriate by the City Council, the ordinance will be reviewed and revised as necessary.

City of Piedmont Municipal Code - Chapter 19

The Subdivision Ordinance (Chapter 19) of the City of Piedmont provides regulations pertaining to properties divided for the purpose of sale, lease, or financing, whether immediate or future. Standards relate to design, improvements, dedications, tentative maps, final maps, soil reports, and other issues. Setbacks, street width, lot coverage, easements, and other requirements may reduce the area available for site development.

Development projects are required to comply with all applicable standards and procedures. Some of recent regulations have not been included in the Subdivision Ordinance. These regulations include: the need to regulate condominium conversions, a certificate of compliance procedure, regulations on lot line adjustments, a tentative map ordinance, as well as other regulations. A condominium conversion provision could be included to protect the City's rental housing stock.

Since 1947, there have been no substantial changes in the City's Subdivision Ordinance. All subdivisions are processed in accordance with the State Subdivision Map Act. In order to meet state standards, the City's Subdivision Ordinance needs to be updated. Currently the City is undertaking initial steps to revise the Ordinance.

Building Code

The City of Piedmont has incorporated several amendments to the Uniform Building Code. These amendments include the following:

- If a retaining wall is greater than three feet in height, it must be engineered.
- Requires a soils report for sites with a slope of 20% or greater.
- Requires control and drainage of surface water through a drainage plan.
- Imposes various requirements for wood shingles and wood shakes.
- Provides regulations regarding chimney height and termination.
- The slope of cut surfaces shall have a ratio of 1:2 unless a geology/soils report indicates that a steeper slope will be stable.
- Driveway widths must be a minimum of 12 feet. For driveway or access roads serving more than one dwelling unit, there must be a minimum 60 feet turn around.
- The maximum allowable driveway slope shall be 20%.

These amendments are not considered restrictive to housing development.

Fees and Exactions

Since the passage of Proposition 13 in 1978, it has been difficult to raise revenues through taxation. Several agencies now require the payment of fees or land dedication to offset the cost of providing planning services and public services for new development. Table U summarizes the City's planning, subdivision, and building permit fees and exactions. Relative to other Alameda County jurisdictions, fees are considered low. Any applicant may apply for a fee waiver before the Planning Commission. Such waivers have been granted by Resolution on a case-by-case basis.

Processing and Permit Procedures

The various permits that a housing developer may be required to obtain are listed on Table U. The usual processing applications that are associated with residential development are listed below:

- | | |
|---------------------------|--------------------------|
| ● General Plan Amendment | ● Variance |
| ● Design Review | ● Zone Amendment |
| ● Environmental Documents | ● Parcel Merger |
| ● Tract Maps | ● Lot Line Adjustment |
| ● Parcel Map | ● Conditional Use Permit |

A project would not usually require all of the above applications. Variances have been granted periodically by the Planning Commission (Planning Commission Minutes).

Lengthy process times associated with permits, reviews, and hearings, may cause some developers (especially those with small projects) to avoid a city or county that has a reputation of long processing periods. Processing times in the City are considered fast relative to other jurisdictions in the County.

Non-Governmental Constraints

Non-governmental constraints to housing maintenance, improvement, or development include the cost of land, the cost of construction, and the availability of financing. Studies of these components indicate that while construction costs as a portion of housing development costs have decreased over the long term, land development costs have increased over the long-term. The percentage of cost accounted for by financing has increased, through this trend has fluctuated over the short-term as interest rates go up and down (Statewide Housing Plan, 1988). Each of these issues are described below.

TABLE U**FEES**

ACTIVITY	FEE
Building Permit and other construction	In accordance with the 1988 Uniform Building Code.
Staff Design Review	\$ 100.00
Planning Commission Design Review	\$ 400.00
Variance	\$ 350.00
Lot Line Adjustment	\$ 300.00
Subdivision	
Minor	\$1,000.00
Major	\$2,000.00
Parcel Merger	\$ 300.00
Conditional Use Permit	\$ 550.00
Appeal Fee	\$ 180.00
Home Occupation Permit	\$ 50.00
Garage Sale Permit	\$ 10.00
Sewer Hook Up Fee (Sewer Fund)	\$1,000.00
Sewer Service (Sewer Fund)	\$ 16.50/mo.

Continued

TABLE U (Cont.)

FEES

ACTIVITY	FEE
Street Tree Permits	\$ 150.00 (including tree)
Encroachment Permit	\$ 250.00
Banner Hanging	\$ 90.00
Special Use of Street and City Property	\$ 25.00
Drop Box Permits	\$ 20.00
Utility Company Excavation Permit	\$ 25.00 per permit 50.00 per hour for inspections
Housing Record Search	One hour minimum \$25.00 per hour \$7.50 per quarter-hour additional
Extension of time on Design Review and Variance	\$ 100.00
Barricade and Rental Fee	Unlighted \$1.00 each per day, lighted \$2.00 each per day.

Source: City of Piedmont, July 1990

Cost of Land

Currently, within the City, there is minimal vacant property designated for residential uses. Most of the land has already been built up. The value of single family 10,000 square foot lots has been estimated at approximately \$400,000 - \$600,000. Half-acre to three quarter-acre lots with good frontage, and a bay view have estimated values of approximately \$1,000,000. Land values have been provided by Better Homes Realty. (phone interview, Mr. Francis Dolmage Heath, May 21, 1990)

Cost of Construction

Construction costs are higher in some localities than others. According to architects and other sources, the cost of single-family home construction in Piedmont ranges from approximately \$100.00-\$150.00/s.f. for a wood frame dwelling.

The figures can be utilized to obtain the full construction cost of a home. For example, the total construction cost of a 1,600 square foot house would equal \$160,000 at a minimum. In conjunction with land costs, a small home would cost a minimum of \$760,000.

Availability of Financing

Some savings and loans and banks have branches located in the City of Piedmont. In a survey of banks and savings and loans, interest rates ranged from 10.7% to 10.875% for a 30 year fixed rate mortgage.

Added to these rates often are the points that lenders charge for the loan as well as preparation fees. These are added on top of the interest rate and are usually paid up front. Points range from .75 to 2 for a 30 year loan term.

While the availability of financing is important, it is more essential to determine the effect of interest rates on housing affordability. Table V presents payment factors, annual payments, payments over mortgage terms, and income necessary to afford a home priced at \$356,000 (as estimated earlier under Housing Sales Prices). A household would have to earn \$106,628 annually in order to afford a home priced at \$356,000 with a 80% mortgage of \$284,800, and an interest rate of 10 percent. For higher interest rates, income needed rises.

The annual income required to purchase a typical two bedroom/1 bath home with a thirty year loan exceeds ABAG's current estimate of mean income in Piedmont (\$85,400). The annual income required also exceeds the mean income of Alameda County residents.

TABLE V
HOUSING AFFORDABILITY

10.85%	TERM	INTEREST RATE		
		10%	10.7%	
Mortgage Payment Factor	15	.131473	.136769	.137915
	30	.106079	.112321	.113671
Annual Payment for \$284,800 Mortgage	15	\$37,444	\$38,952	\$39,278
	30	\$30,211	\$31,989	\$32,374
Annual Payment for \$396,000 Mortgage	15	\$52,064	\$54,161	\$54,615
	30	\$42,007	\$44,479	\$45,014
Payments over Mortgage Term, \$284,800	15	\$561,656	\$584,281	\$589,176
	30	\$906,341	\$959,675	\$971,205
Payments over Mortgage Term, \$396,000	15	\$780,954	\$812,413	\$819,219
	30	\$1,260,221	\$1,334,379	\$1,350,412
Annual Household Income Necessary to Obtain \$284,800 Mortgage (Assumes 34% PITI/Gross Income Ratio)	15	\$132,154	\$137,475	\$138,630
	30	\$106,628	\$112,903	\$114,259
Annual Household Income Necessary to Obtain \$396,000 Mortgage (Assumes 24% PITI/Gross Income Ratio)	15	\$183,754	\$191,156	\$192,757
	30	\$148,261	\$156,986	\$158,872

Source: STA Planning, Inc.

VACANT LAND SURVEY

Table W presents a 1990 estimate of vacant land suitable for residential development. All vacant and underdeveloped properties deemed suitable for residential development were assessed. Two properties designated for open space or public use by the General Plan were rejected from consideration. Appendix B contains the survey of vacant and underutilized properties as well as sites rejected from consideration. Land is available to meet the City's total construction needs.

ASSISTED RENTAL HOUSING AT RISK FOR CONVERSION

In 1989, the California Legislature passed SB 1282 (Chapter 1451) requiring local jurisdictions to include a discussion within their Housing Elements of assisted rental housing at risk of conversion to market rate units. This discussion must be included by January 1, 1992. Assisted rental developments include multi-family rental housing assisted under several federal, state, and local programs.

The City of Piedmont participates in the Alameda County Urban County CDBG Program. A majority of the money has been targeted for handicapped access. Curb-cuts have been and will be constructed to aid the handicapped.

Regarding housing, there have been 5 CDBG loan grant recipients since 1987 including:

- Four (4) minor home repair grant recipients.
- One (1) major rehabilitation loan recipient with a 15 year loan term. This loan term will expire subsequent to the year 2000. This unit is not a multi-family rental unit.

All recipients were low income according to the State definition. (City of Piedmont Records). The major loan was given to the owner-occupant of a single-family home. There are no assisted multi-family rental units at risk for conversion to market-rate units.

ENERGY CONSERVATION

Energy conservation procedures for the City of Piedmont apply to applicants for new single family dwellings and all additions. Applicants are required to take drawings and energy calculations to City-approved energy plan check consultants where fees, completion of plan check, and approval of calculations are necessary. Applicants cannot submit energy calculations that they have prepared themselves. The charge of any and all plans requiring Title 24 energy calculations is \$30.00. The following set of plans must be provided:

TABLE W

**VACANT AND UNDERDEVELOPED LAND INVENTORY SUTTABLE
FOR RESIDENTIAL DEVELOPMENT¹**

RESIDENTIAL ZONE		NUMBER OF ACRES	DENSITY RANGE	NET DWELLING UNIT CAPACITY
A -	Single-Family	10.61	1 d.u./10,000 s.f.	25-34
C -	Multiple Density Residential	0.38	1 d.u./2,000 s.f.	8
E -	Estate	0 .87	1 d.u./20,000 s.f.	3
TOTAL				36-45

Source: STA Planning, Inc.

¹ Appendix B indicates the availability of public utilities. Other sites not listed in the survey include commercial property which may be appropriate for mixed use or adaptive reuse. Commercial sites are not vacant currently.

- 1) **Nonresidential Buildings** - require a Designer's Statements. The designer shall provide a statement on the drawings, over his signature, that the regulations have been reviewed and the design submitted conforms with the regulations.
- 2) **Residential Buildings** - require a Statement of Design Compliance. The person who designs the building or applies for the building permit shall state on the plans or submit a written statement with the permit application that the building design meets the requirements on Title 24, Part 2, Chapter 2-53, and plans must mark which method was used to compute energy compliance.

All the above procedures must be completed prior to applying for a building permit.

EQUAL HOUSING OPPORTUNITY

The City, through the Alameda County Urban County CDBG Program, provides fair housing counseling services. Sentinel Housing has been contracted by the County to provide counseling. One fair housing complaint has been filed with Sentinel Housing within the last year regarding discrimination against a potential renter with children. The case was referred to the California Department of Fair Employment and Housing.

PUBLIC PARTICIPATION

On June 28, 1990, the City held a public workshop to solicit comments on the Housing Element Update. Notice of the Public Workshop was accomplished in accordance with State requirements and City standards. A copy of the meeting agenda and all comments from citizens are contained in Appendix A.

In September 1990, a Citizens Advisory Committee on the Housing Element was formed under the guidance of the City Council. Five Advisory Committee Meetings were held in September and December 1990 and July 1991. The City advertised for positions on the Advisory Committee in The Piedmonter. It is a local newspaper subscribed to by a large number of citizens in Piedmont who rely on it for publication of notices, etc. Applications were reviewed by the City Council. Considerations in the review were commitment, geographic location of the prospective member (to ensure that all areas of the City were represented), variety of background/expertise, and other considerations.

Announcements of the public workshop and several Advisory Committee meetings and hearings were announced in The Piedmonter. Meeting information was also posted at City Hall. Public hearings were scheduled and took place in February, April, and August 1991 and in January 1992.

HOUSING ELEMENT EVALUATION

Review of the past Housing Element is important in assessing the effectiveness of goals, objectives, policies, and programs. This review partially provides a framework on which to develop new policies and programs. Table X on page 46 indicates the various policies and objectives and the status of implementation.

A review of the information in Table X indicates that the City of Piedmont has implemented 9 of 15 identified programs (60 percent) over the past several years including preparation of a Zoning Ordinance and Map. Approximately 40 percent or 6 of 15 programs have not been implemented. Five of the six programs not implemented were studies.

The status of several programs was discussed with City staff members and elected decision-makers. Attention was focused on key programs such as preparing a zoning ordinance, second unit ordinance, and participating in the Community Development Block Grant program with Alameda County. For the programs not implemented, lack of City staff time, alternate priorities, and lack of financing were cited as reasons for lack of implementation.

The Growth Management program was probably not adopted due to its limited applicability to the City of Piedmont, a built out community with limited vacant land and no areas for expansion.

The City Council sets priorities and funding sources. The areas studies since 1984 include the following major items:

1. Second Units
2. Zoning Ordinance Update
3. Application for CDBG funds
4. Turfed Facilities
5. Infrastructure Improvements (wastewater and sidewalks)
6. Residential Design Review Guidelines

To address the concerns related to lack of City staff time, the City has hired an additional planning staff member. To address lack of funds, more funding sources are indicated in the Housing Element. In the past, the City Council has supported the housing programs from the 1984 Housing Element. It is anticipated that due to the growing state requirements related to Housing Elements, and housing development issues, the City will continue to include housing programs when prioritizing community issues to be addressed.

ABAG published its housing need determinations in 1983. The City's share, as determined by ABAG, was as follows:

<u>Income Level</u>	<u>Share</u>
very low income	68
lower income	48
moderate income	61
above moderate income	<u>164</u>
TOTAL	341 Units

The above housing share estimates cover the period 1980 through 1990. Existing need in 1983 equalled 164 dwelling units. Projected need equalled 177 dwelling units (phone interview, Raymond Brady, ABAG, August 21, 1990). The formula used at that time accounted for housing demand and vacancy rates, as well as other factors. Factors such as land availability were not considered. The absence of this factor may be the reason that the fair share allocation was high. Adequate sites identified in 1984 could not have supported the number of units to be provided.

If 341 units had been developed between 1980 and 1990, it would have represented a nine percent increase over the 1980 housing stock of 3,837. Housing development has not increased at that rate since the 1940s and 1950s. Please refer to Table B. Minimal housing construction was likely due to the following:

- A recession in the early 1980s
- The lack of vacant land
- Existing topography/site constraints
- Land use policies favoring lower densities in accordance with the City Charter

In order to facilitate housing development, several programs have been included in this Housing Element which will guide the City in its efforts to plan and develop housing according to community needs. The programs identify potential housing sites, provide suggested funding mechanisms, and remove governmental constraints.

TABLE X
HOUSING ELEMENT EVALUATION

IMPLEMENTATION PROGRAM	OBJECTIVE	STATUS
<u>Preservation</u>		
Enforce zoning and design process.	Preserve, improve and maintain existing housing stock.	Ongoing-review Planning Review Staff Design Review, Building Permit Inspection, and Litigation.
Evaluate participation in Community Development Block Grant Program administered through Alameda County to provide for rehabilitation of existing housing stock through low interest loans.		Applicant applies directly to the County of Alameda.
<u>New Residential Development</u>		
Establish study area which includes Corporation Yard, Blair Park (undeveloped), and Mountain View Cemetery properties and adjacent properties.	Promote availability of housing through new construction.	Lack of City Staff, alternate priorities, lack of financing.
Explore feasibility of a joint study in cooperation with Mountain View Cemetery Association.		Lack of City Staff, alternate priorities, lack of financing.

Continued.

TABLE X (Cont.)

HOUSING ELEMENT EVALUATION

IMPLEMENTATION PROGRAM	OBJECTIVE	STATUS
<u>New Residential Dev. (cont.)</u>		
Analyze alternative land uses included but not limited to the corporation yard, park/recreational facilities expansion, open space, and housing.		Lack of City Staff, alternate priorities, lack of financing.
Review Zoning Ordinance to establish prescriptive standards which reflect established density standards and guide future development.		Established a single family residential estate zone with a minimum lot size of 20,000 square feet by a majority vote of the residents in 1988.
Prepare and adopt zoning classification maps.		Adopted May 1990.
<u>Housing Opportunities</u>		
Conduct feasibility study concerning the issuance of mortgage revenue bonds.	Provide housing opportunities for households with special needs.	Lack of City Staff, alternate priorities, lack of financing.

Continued.

TABLE X (Cont.)

HOUSING ELEMENT EVALUATION

IMPLEMENTATION PROGRAM	OBJECTIVE	STATUS
Conduct feasibility study of developing a mobile home ordinance.		Lack of City Staff, alternate priorities, lack of financing.
Study of feasibility of alternative housing opportunities for elderly residents.		Lack of City Staff, alternate priorities, lack of financing.
<u>Housing Opportunities (cont.)</u>		
Continue moratorium on new second units until City adopts a growth management plan.		Second Unit Ordinance adopted 10/88.
Conduct a study and develop a growth management plan.		Growth Management Plan not developed. Not considered feasible.
Develop an ordinance establishing the process and standards for abating second units that have no adverse impacts on community health, safety, and welfare.		Second Unit Ordinance adopted 10/88.
Identify all existing illegal second units and non-conforming second units.		Identified through the Second Unit Ordinance.

TABLE X (Cont.)

HOUSING ELEMENT EVALUATION

IMPLEMENTATION PROGRAM	OBJECTIVE	STATUS
Continue to support laws promoting equal housing opportunity.		Fair Housing Counseling Services provided through the Alameda Urban County CDBG Program which Piedmont partici- pates in.
Source:	City of Piedmont, Public Works Department 1984 Piedmont Housing Element	

FINDINGS

1. The City has many unique characteristics that influence the housing stock and households. Factors that attract families include the single-family nature of the community, school services, and the relatively low crime rate. Factors which limit housing development include topography/site constraints, lack of land in City limits, no land for annexation, and City Charter provisions.
2. Twenty-seven new single-family residences were constructed in the years 1980 through 1988. No new units were constructed in 1989. Three single-family residential units were approved in 1990.
3. Many low income residents and others pay a large percentage of their income for housing services. Moderate income residents could possibly afford current contract rents.
4. Very low and some low income families would pay more than 25% of income in order to rent units within the City.
5. The elderly over 65 years of age constitute 14.6% of Piedmont's population. Social programs at churches and City departments cater to senior citizens in Piedmont. No specially designed housing facility for the elderly exists in Piedmont.
6. Approximately 3.4% of the City's population in 1980 was made up of female-headed households. A majority of them had children under 18 years of age.
7. No homeless persons have been reported in the City or from the City at shelters or churches.
8. Housing stock condition is excellent. Few units are in disrepair.
9. If the purchase price of homes increases, there may be an added demand for rentals. Current rental vacancy rates are considered low because there is a continuous demand for rental units.
10. Approximately 3.7 acres are designated for multi-family uses. Those areas designated have been developed with multi-family uses.
11. Parkland and housing needs "compete" for some of the same available vacant land. According to a publication of Purdue University Cooperative Extension Service, Guidelines for Evaluating Public Parks and Recreation, the City requires 14 acres of grass playfields. The City had only 4.6 acres in 1984. Since 1984 approximately 0.5 acres have been developed with grass playfield uses.

12. State law requires zoning for manufactured homes and mobilehome parks.
13. State law requires an implementation ordinance addressing density bonuses or other incentives of equal financial value.
14. The City's Subdivision Ordinance is being revised to meet state standards. A condominium conversion provision could be included to protect the City's rental housing stock.
15. Processing time for applications are quick relative to other cities in Alameda County. Similarly, processing fees are considered low relative to other jurisdictions in Alameda County. Fee waivers have been granted recently by the Planning Commission.
16. Estimated annual incomes required to purchase a very small two bedroom/1 bath home in the City of Piedmont exceed the estimated mean income of Piedmont residents.
17. The City adopted a Housing Element in 1984. The City has implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to lack of staff, alternate priorities, and lack of funding.

II. HOUSING GOALS, POLICIES AND IMPLEMENTATION PROGRAMS

HOUSING GOALS, POLICIES, AND IMPLEMENTATION PROGRAMS

INTRODUCTION

Section I of the Housing Element provided an assessment of current housing conditions and needs. Several major findings were made in the housing assessment including:

1984 Housing Element

1. The City of Piedmont made a good faith effort to implement the 1984 Housing Element.
2. The City implemented 60 percent of the housing programs (9 of 15) from the 1984 Housing Element. (Please refer to pages 46-49 for more detail on programs implemented in the 1984 Housing Element).
3. After evaluation, one housing program from the 1984 Housing Element did not merit implementation (Growth Management Ordinance).
4. Only six housing programs from the 1984 Housing Element were not adopted/acted upon. This was due to lack of staff, financing, alternative priorities, or inappropriateness given physical/environmental characteristics of the City. (Please refer to pages 46-49 for more detail on programs not implemented in the 1984 Housing Element).

Environmental Considerations

1. Limited amount of land exists for potential residential development.
2. The City is surrounded by Oakland with no potential for annexation.
3. Topography prevents inexpensive housing construction.

Housing Needs

1. There is a significant number of senior citizens residing in Piedmont. There are no existing senior housing facilities within the City Limits.
2. Rents and home sales prices exceed the incomes of some Piedmont citizens and prevent others from moving to Piedmont.
3. Some sections of the Municipal Code which regulate development require review and update according to current State requirements.

INTENT

Based upon existing and projected needs, a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing has been developed.

The City of Piedmont, a charter city, was incorporated in 1907. The City Charter declares that Piedmont is to be primarily a residential community. Chapter 17 of the Municipal Code entitled "Regulations Prescribing the Character of Construction" details zoning requirements. Any zoning amendments require a vote of the people. It is the intent of the following goals, policies, and programs to be responsive to community desires and needs related to housing and to fulfill State requirements.

DEFINITIONS

The following definitions describe the nature of the statements of goals, policies, objectives, and implementation programs as they are used in this document.

GOAL: *The ultimate purpose of an effort stated in a way that is general in nature and immeasurable.*

Policy - A specific statement in text or diagram guiding action and implying clear commitment.

Objective - A specific, often quantified guideline, incorporated in a policy or implementation program, defining the relationship between two or more variables. Objectives can often translate directly into regulatory controls.

Implementation Program - An action, procedure, program, or technique that carries out general plan policy. Implementation programs also specify primary responsibility for carrying out the action and a time frame for its accomplishment. Several implementation programs are defined in Appendix C, Glossary.

Responsibility Chart - A chart which indicates the City departments responsible for the implementation of a policy or program. The Chart is included in Table Y.

GOALS, POLICIES, AND IMPLEMENTATION PROGRAMS

GOAL A: *To provide a range of housing options consistent with the nature of the Piedmont community.*

POLICIES

1. Make every effort to provide affordable housing for those people who live and work in Piedmont, to meet all income levels, and to meet the City's fair share of housing as determined by ABAG.
2. Use local, state, and federal funding assistance, to the extent that these subsidies exist and are appropriate to Piedmont's needs, to assist the public and developers in the provision of affordable housing.
3. Make an effort to preserve and increase the stock of housing, for all income levels.
4. Work with the California Department of Housing and Community Development, County of Alameda, and its municipalities in establishing and coordinating low and moderate income housing for special groups such as seniors and the disabled.
5. Promote the issuance of Mortgage Revenue Bonds and Mortgage Credit Certificates to assist first-time home-buyers.

IMPLEMENTATION PROGRAM

The following specific actions constitute the overall City of Piedmont Housing Element Implementation Program.

The programs need to be reviewed annually, as required by state law. The California Government Code Section 65400 requires municipal planning commissions to render an annual report to their municipal legislatures on the status of the general plan and progress in its implementation. Responsibility and time frames for each of the programs are shown in Table Y.

1. Through corporate and police powers, the City will make all reasonable efforts to meet its fair share of housing as determined by ABAG. The City's five-year housing objectives are as follows:

Very Low Income	6 dwelling units
Low Income	4 dwelling units

Moderate Income	5 dwelling units
Above Moderate	14 dwelling units
TOTAL	29 dwelling units

Objectives are additionally listed on Table Z at the end of this section.

2. The City will assist all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households. The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. Funding sources include, but are not limited to:

FEDERAL

- Community Development Block Grants (CDBG) - There are two major components: the non-entitlement grants for small cities and counties and entitlement loans and grants for large urban cities and counties. The Non-Entitlement program is state administered while the Entitlement Program is administered by HUD. The City of Piedmont shall continue to participate in the Alameda Urban County CDBG program.

STATE

- California Self Help Housing Program. Through grants and loans to local governments and non-profits, this program helps low and moderate income families construct or rehabilitate their homes.
- California Homeownership Assistance Program. Provides mortgage loans to eligible borrowers.
- Predevelopment Loan Program. Provides low interest loans to local governments and non-profits for predevelopment activities.
- Nonprofit Housing Program. The California Housing Finance Agency (CHFA) provides permanent financing for contractor-built single-family homes developed by nonprofit organizations which serve lower income families.

- Minority and Small Business Development. CHFA assists minority-owned and women-owned developers.
3. In addition to the above programs, the City will make available information and/or direct interested parties to the appropriate federal, state, and local agencies which provide funding sources supporting rental housing units. The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. Possible sources include:

STATE

- Rental Housing Construction Program. Provides loans to local governments for the development of rental housing.
 - Proposition 77 and 84 funds for rehabilitation and construction of rental units.
4. The City will make available information of state and regional programs that support housing for special need groups. The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. Possible funding sources include:
 - Senior Citizens Shared Housing Program - Provides grants to local governments and non-profits helping seniors find others with whom they can share housing.
 - Housing Assistance Program - Provides Section 8 certificates to developmentally, mentally, and physically disabled adults.
 5. The City will respond to parties interested in developing available sites for development and/or construction of shared living homes for senior citizens. This could include the conversion of Mansion Homes.
 6. The City will respond to parties interested in developing available sites for construction of senior housing units.
 7. The City, alone or in conjunction with the County, will investigate California Debt Limit Allocation Committee requirements for issuance of tax-exempt

Mortgage Revenue Bonds (MRBs). The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. If feasible in the determination of the City Council, the City and/or County will apply to the Committee for allocation of MRBs.

8. The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. If found feasible by the City Council, the City alone or in conjunction with the County, will contact the California Debt Advisory Commission and investigate requirements to obtain authority for the issuance of Mortgage Credit Certificates (MCCs). The City and/or County will work with local and real estate agencies and lenders to implement a MCC program.
9. The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. The City will provide information to developers and the public regarding the California Housing Finance Agency's (CHFA) bond financing program.

GOAL B: *To provide adequate sites suitable for the development of housing consistent with ABAG recommendations.*

POLICIES

1. Support the construction of affordable housing especially for senior citizens.
2. In addition to providing density bonuses or other incentives, the City will target specific incentives and funding sources at adequate sites listed in Appendix B.
3. Update Chapter 17 of the Municipal Code to reflect State statutes regarding mobilehomes and manufactured homes.

IMPLEMENTATION PROGRAM

The following programs need to be reviewed annually, as required by State Law. The California Government Code Section 65400 requires municipal planning commissions to render an annual report to their municipal legislatures on the status of the general plan and progress in its implementation. Responsibility and time frames for each of the programs are shown in Table Y.

1. Through the Municipal Code, the City will continue to allow residential units in commercial districts. Particular emphasis will be placed on senior housing. In addition, the City will conduct studies by December 1992 which will make specific recommendations related to general plan redesignation, code amendments, adaptive re-use, mixed-use zoning, and density increases or other incentives for the following:

- Grand Avenue Commercial
- PG&E storage building site
- Maxwellton Property

The City will offer other incentives as appropriate to the site: fee waivers, parking standard modifications, and others deemed appropriate in the proposed study. Findings of the study shall be presented to the City Council for implementation within 6 months of study completion.

2. The City will designate a Housing Coordinator. Responsibilities of the Housing Coordinator shall include, but are not limited to, developing a pilot program to package housing incentives and funding sources aimed at developing affordable housing. The City will also consider establishing a Task Force to assist the Housing Coordinator in implementing the Housing Element.
3. In accordance with Section 65852.3 and 65852.4 of the Government Code, "[a] city, including a charter city, . . . shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 . . . on a foundation system on . . . lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, a city, including a charter city, ... shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject . . ."
4. In accordance with Sections 65852.7 of the Government Code, "[a] mobilehome park, as defined in Section 18214 of the Health and Safety Code, shall be deemed a permitted land use on all land planned and zoned for

residential land use as designated by the applicable general plan; provided, however, that a city, county, or a city and county may require a use permit . . ."

GOAL C: *To encourage the maintenance and preservation of the existing housing stock and residential neighborhoods.*

POLICIES

1. Encourage private reinvestment in residential neighborhoods and private rehabilitation of housing.
2. Continue to use state and federal funding assistance to rehabilitate housing especially Community Development Block Grant funds.
3. Require abatement of unsafe structures, giving property owners ample opportunities to correct deficiencies.

IMPLEMENTATION PROGRAM

The following programs need to be reviewed annually, as required by State Law. The California Government Code Section 65400 requires municipal planning commissions to render an annual report to their municipal legislatures on the status of the general plan and progress in its implementation. Responsibility and time frames for each of the programs are shown in Table Y.

1. The City will support the revitalization of older neighborhoods by keeping streets, sidewalks, and other municipal systems in good repair.
2. The City will annually update its Capital Improvements Plan to ensure that municipal systems are in good repair.
3. The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program. In addition to programs listed in implementing Program 3 under Goal A, the City will provide information related to the following programs:

STATE

- Special User Housing Rehabilitation Program. Offers loans for rehabilitating residences, hotels, and other housing occupied by the elderly, disabled, and low income persons. In Piedmont, this could be applicable to housing units occupied by the elderly, disabled, and low income persons.
 - Deferred Payment Rehabilitation Loan Program. Provides loans to local governments to assist with the rehabilitation of housing for low and moderate income households.
4. The City will continue to support the provisions of the Uniform Building Code and investigate reports of substandard structures.

GOAL D: *To ensure the adequacy of governmental plans and ordinances to promote the development, maintenance, and improvement of housing.*

POLICIES

1. Update local ordinances according to state law including the Subdivision Ordinance, Zoning Ordinance, and any others that may apply.
2. As required by State law, grant residential density bonuses or other incentives for projects that reserve units for very low and/or low income households.
3. Allow using original materials and original methods as of date of construction in rehabilitation efforts, unless a health or safety hazard would occur, as consistent with state housing law (Health and Safety Code 17958.8).
4. Promote the expeditious processing and approval of residential projects that meet General Plan policies and City regulatory requirements.
5. Ensure that the City's policies, regulations, and procedures do not add unnecessarily to the costs of producing housing while assuring the attainment of other City objectives.
6. Ensure consistency and feasibility of City plans, programs, and ordinances.

IMPLEMENTATION PROGRAM

The following programs need to be reviewed annually, as required by State Law. The California Government Code Section 65400 requires municipal planning commissions to render an annual report to their municipal legislatures on the status of the general plan and progress in its implementation. Responsibility and time frames for each of the programs are shown in Table Y.

1. The City will amend their Subdivision Ordinance and Zoning Ordinance to comply with the State Subdivision Map Act. At a minimum, the amendments will include provisions for the following:
 - Procedures for Condominium Conversions
 - Procedures for Certificates of Compliance
 - Additional Regulations on Lot Line Adjustments
 - A Tentative Map Ordinance
2. The City will create a separate implementing ordinance or amend the Zoning Ordinance to permit the granting of residential density use bonuses or other incentives for very low and/or low income developments in order to comply with Government Code Sections 65915 and 65917.
3. The City building inspector will inspect rehabilitation plans and allow the use of original materials and methods of construction unless a health or safety hazard would occur, as consistent with state housing law (Health and Safety Code 17958.8).
4. The City will continue to provide prompt processing schedules for residential applications.
5. The City will ensure that some processing fees are waived for housing projects within "affordable" guidelines, or ensure that fees may be paid upon certification of occupancy rather than building permit issuance.
6. The City will conduct a study of all existing multi-family developments to ascertain existing densities. Recommendations related to density standards for future multi-family units will be made. The City will seriously consider revising the Zoning Code to allow multiple dwellings to be developed at one dwelling unit per less than 2,000 s.f. of lot area.
7. The City will seriously consider revising the Zoning Ordinance related to multi-family uses to allow a maximum height of 50 feet instead of 35 feet for low and moderate income developments.

8. The City will seriously consider revising the Zoning Ordinance to make multi-family uses permitted in the Multi-Family Zone.
9. The City will provide for consistency between the General Plan Elements and between the General Plan and Zoning Ordinance through amendments. All zoning amendments suggested in the Housing Element programs are designed to provide further incentives for housing development. Residential uses shall not be permitted on City-owned property designated in the General Plan for Open Space or Public/Quasi Public uses. Policies and programs from the Land Use Element which have been determined to be infeasible and not based on sound planning and environmental principles will be removed, including:
 - The preparation of a Planned Unit Development Ordinance
 - Possibility of housing on Blair Park or the Corporation Yard

GOAL E: *To promote equal opportunity to secure safe, sanitary, and affordable housing for everyone in the community regardless of race, sex, and other arbitrary factors.*

POLICIES

1. Promote the enforcement activities of the State Fair Employment and Housing Commission.
2. Refer any equal housing opportunity complaints to the group contracted by the Alameda Urban County CDBG Program.

IMPLEMENTATION PROGRAM

The following programs need to be reviewed annually, as required by State Law. The California Government Code Section 65400 requires municipal planning commissions to render an annual report to their municipal legislatures on the status of the general plan and progress in its implementation. Responsibility and time frames for each of the programs are shown in Table Y.

1. The City will either provide, or support the County in providing, educational services to the public and housing industry regarding their rights and responsibilities. Educational services shall include public service announcements in the local newspaper and the dissemination of brochures.

2. The City will refer any equal housing opportunity complaints to the appropriate group contracted by the Alameda Urban County CDBG Program.

GOAL F: *To encourage energy efficiency in all new and existing housing.*

POLICIES

1. Promote the use of energy conservation features in the design of all new residential structures.

IMPLEMENTATION PROGRAM

The following programs need to be reviewed annually, as required by State Law. The California Government Code Section 65400 requires municipal planning commissions to render an annual report to their municipal legislatures on the status of the general plan and progress in its implementation. Responsibility and time frames for each of the programs are shown in Table Y.

1. The City will enforce existing state residential energy conservation standards.
2. The City will continue to implement its procedure for review of energy conservation standards.

TABLE Y
HOUSING ELEMENT
RESPONSIBILITY MATRIX

GOAL	POLICY	PROGRAM	TIME FRAME	RESPONSIBILITY
A	1	1	1990-1995	CC PC PW
	2	2	April 1992	PW
	3	3	April 1992	PW
	4	4	April 1992	PW
		5	1990-1995	PW
		6	1990-1995	PW
	5	7,8,9	April 1992	CC PC PW
B	1	1	December 1992	CC PC PW
		2	1990-1992	CC PC PW
	2	2	1990-1992	CC PC PW
	3	3,4	1990-1993	CC PC PW
C	1	1	1990-1995	CC PC PW
		2	Annual	CC PC PW
	2	3	April 1992	CC PC PW
	3	4	1990-1995	PW

Continued

Notes: CC = City Council
PC = Planning Commission
PW = Public Works (including Planning Staff)

TABLE Y
HOUSING ELEMENT
RESPONSIBILITY MATRIX (Cont.)

GOAL	POLICY	PROGRAM	TIME FRAME	RESPONSIBILITY
D	1	1	1990-1993	CC PC PW
	2	2	1990-1993	CC PC PW
	3	3	1990-1995	PW
	4	4, 5	1990-1993	CC PC PW
	5	6, 7, 8	1990-1993	CC PC PW
	6	9	1990-1992	CC PC PW
E	1	1	1990-1995	PW
	2	2	1990-1995	PW
F	1	1, 2	1990-1995	PW

Source: STA Planning Inc.

Notes: CC = City Council
PC = Planning Commission
PW = Public Works (including Planning Staff)

TABLE Z
HOUSING OBJECTIVES

TYPE	OBJECTIVE	
New Construction	Very Low Income	6 d.u.'s
	Low Income	4 d.u.'s
	Moderate Income	5 d.u.'s
	Above Moderate Income	14 d.u.'s
	Total	29 d.u.'s
Rehabilitation	Zero (0)	
Conservation	Zero (0)	

Source: STA Planning, Inc.

Note: d.u. = dwelling unit

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IV. APPENDICES

APPENDIX A
PUBLIC PARTICIPATION
AND REVIEW

1. PUBLIC WORKSHOP

CITY OF PIEDMONT HOUSING ELEMENT WORKSHOP

JUNE 28, 1990

PURPOSE OF WORKSHOP

The purpose of this workshop is to:

- Provide information on the Housing Element Process to Piedmont citizens.
- Solicit brief and relevant comments from interested community members.

AGENDA

I. INTRODUCTION

- A. Consultant Introduction
- B. Definition of Housing Element
- C. Schedule

II. HOUSING ELEMENT PROCESS

- A. Flow Chart
- B. Overview of Problem/Examples From Other Jurisdictions (slide presentation)

III. DISCUSSION/COMMENTS

Housing Element Process

Review of Previous Element

- Objectives
- Results
- Implications for new element

Housing Needs Assessment

- | | |
|--|---|
| Existing Needs- | Projected Needs- |
| <ul style="list-style-type: none">- Overpayment- Overcrowding- Substandard conditions- Special needs groups | <ul style="list-style-type: none">- Regional Housing Needs plans prepared by COGs |

Resource Inventory

- Adequate Sites-**
- To accommodate regional share by income group
 - Public facilities and services

Constraints on Housing

- | | |
|---|---|
| Governmental- | Nongovernmental- |
| <ul style="list-style-type: none">- Land use controls- Codes & enforcement- On/off-site improvements- Fees and exactions- Permit procedures | <ul style="list-style-type: none">- Financing- Land cost- Construction cost |

Programs

- Identify adequate sites
- Assist development of low- and moderate-income housing
- Remove or mitigate constraints
- Conserve and improve existing affordable housing
- Promote equal housing opportunity

Quantified Objectives

- New construction
- Rehabilitation
- Conservation of existing affordable units

HOUSING ELEMENT
WORKSHOP
June 28, 1990

SIGN-IN SHEET

NAME

ADDRESS

1. Mrs. Eleanor Gordon - 114 - Hamolia Ave. Pied.
2. HAROLD I Tower 101 W 15th St. Albany
3. Shirley S. Schell (LWV of Piedmont) 24 York Dr., P. 946
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____

HOUSING ELEMENT UPDATE

WORKSHOP
SPEAKER/COMMENT CARD
(PLEASE PRINT)

Name: HAROLD TRENT POWER

Address: 101 WISTARIA WAY
PIEDMONT CA 94611

Date: JUNE 28 1990 Do you wish to speak tonight? YES

Comments: _____

APPRECIATE THIS OPPORTUNITY
TO LEARN MORE ABOUT THE
HOUSING PROBLEMS IN PIEDMONT
AND THE BAY AREA COMMUNITY
(Additional Space On Back)

AND —

CITY OF PIEDMONT

Public Works Department/120 Vista Avenue/Piedmont, CA 94611

Attn: Lori Salamack

WHAT KIND OF HOUSING
CAN BE PROVIDED IN

Piedmont TO HELP MEET
THE NEEDS.

OUR SITUATION WILL BE
FAR DIFFERENT FROM
OTHER COMMUNITIES YOU
HAVE STUDIED.

SUMMARY OF NOTES
PIEDMONT HOUSING ELEMENT WORKSHOP

June 28, 1990

I. Attendance:

- 1) Eleanor Gondai
- 2) Harold T. Power
- 3) Shirley S. Schell

II. Publicity - several news articles

III. Slide Presentation

- Slide Presentation prepared by ABAG - Lisa Reynolds
- Response to Questions - Fred Talarico

IV. Comments:

Harold T. Power

- Mansion Homes - Discussed in 1984 Housing Element.
No longer a need, they're not selling could provide housing units.
No parking problems.
City would benefit no tax base.
- Older people want smaller homes; idea to have a complex for seniors.
- What kind of housing can be provided to Piedmont to help meet the needs?
- Piedmont's situation will be far different from other communities you have studied.

Eleanor Gondai

- No more congestion near her home.

- We don't have to provide dormitories for students.
- Meetings should be held after summer. Many people are on vacation.

Shirley S. Schell

- Would like more public awareness for next meeting.
- No summer meetings.

V. Recommendations:

- Call Habitat for Humanity
- Call Piedmont Neighborhood Church

VI. STA will:

- Identify needs.
- Provide options to meet identified needs.

2. CITIZENS ADVISORY COMMITTEE ON THE HOUSING ELEMENT

SUMMARY OF ADVISORY COMMITTEE MEETINGS

Meeting agendas were prepared for some of the meetings. These are shown on the following pages. Attachments to the agendas are available at the Public Works Department. The Committee's recommendations on the Housing Element have been transmitted to the City Planning Commission and City Council. This information is also available at the Public Works Department.

September 18, 1990

The purpose of the meeting was to introduce Committee members, City Staff, and the City's consultants. State requirements were presented and discussed. A preliminary environmental Initial Study was distributed. Copies of the Administrative Draft Housing Element (ADHE) were distributed subsequent to the meeting.

September 27, 1990

A detailed discussion of the Housing Element Needs Assessment occurred to clarify information and suggest improvements to the document's tone and analysis. Minimal discussion of goals, policies, programs, and adequate sites occurred. A new administrative draft Housing Element was requested.

December 4, 1990

With incorporation of previous comments completed, an in-depth discussion of goals, policies, programs, and adequate housing sites occurred. The appropriateness and feasibility of each goal, policy, and program was discussed. Adequate sites were discussed including the potential for the PG&E site and the conflict between housing and open space.

December 13, 1990

Harold Power addressed the Committee regarding noticing of the meetings and the possibility of choosing a chairperson for the Advisory Committee.

The Committee summarized their recommendations regarding the Housing Element Needs Assessment, Goals, Policies, Programs, and Adequate Sites. First, of particular concern, was the need for senior housing, protection of Piedmont's "starter homes," and the lack of housing for young adults (e.g., affordable rental and single-family housing). Second, the direction of the City in terms of second units and manufactured housing was discussed. Third, the small number of sites identified for affordable housing was noted, and future investigation of the identified sites was supported.

July 18, 1991

Subsequent to a review of the Housing Element's processing schedule, a draft letter responding to each State of California Housing and Community Development comment was reviewed. The draft letter quoted state law, noted the location of the required discussion, and proposed additions and modifications to the Draft Housing Element. Upon suggestions from the Housing Element Advisory Committee, the draft letter was revised. The Committee suggested formation of a Task Force to assure aggressive implementation, and requested research into Senate Bill 2071 and reverse mortgages.

Karin Mai, President of the League of Women Voters, addressed the Housing Element Advisory Committee to support the City's efforts to accomplish their fair share housing objectives. She supported the idea of a Task Force.

Harold T. Power criticized the Housing Element Advisory Committee for ignoring his request to permit public testimony during the hearing and for delaying his presentation until the Committee had concluded their review of the proposed Draft Housing Element.

Mr. Power urged the committee to take

1. Positive action on the "Mansion Home" concept for senior housing in upper Piedmont areas and/or conversion of large vacant or partially occupied homes.
2. Designation of Blair Park for medium/low income housing and requests for bids that include open space and recreational areas.
3. Re-examination of the Estate Zone limiting housing to minimum 20,000 square foot lots since the majority of lots within the zone do not meet zone requirements/standards. Zone requirement could be amended by popular vote.
4. Provide ample opportunity for the proposed Housing Task Force to implement the draft housing element without needless delay.

Mr. Power also wished to discuss three other properties for the adequate sites inventory which would accommodate market rate units: Hampton Road, Indian Creek, and Seaview area properties.

City staff and Advisory Committee members indicated that the Mansion Home Concept has been incorporated into the Draft Housing Element goals and policies and that the Blair Park area has been reviewed and rejected as a site at this time. It was also noted that Advisory Committee meetings had been noticed and conducted in a manner consistent with City procedures, and that the Committee decided initially as a group that a chairperson was

unnecessary. Public comments presented at the Advisory Committee meeting have been and would be included in the appendices of the Housing Element.

AGENDA

CITIZENS ADVISORY COMMITTEE ON THE HOUSING ELEMENT

SEPTEMBER 18, 1990

I. INTRODUCTION

- A. Committee Members, City Staff, and Consultants
- B. Progress of Housing Element

II. STATE REQUIREMENTS

- A. Purpose of a Housing Element
- B. Process in determining Housing Needs
 - 1. State statutes
 - 2. Association of Bay Area Governments
- C. Housing Element Components

III. SCHEDULE

IV. CONCLUSION

CITIZENS ADVISORY COMMITTEE ON THE HOUSING ELEMENT

SEPTEMBER 27, 1990

ADDITIONAL INFORMATION/CORRECTIONS

Upon further review of the Housing Element and Initial Study, and by request of City staff, STA Planning, Inc. has prepared the following:

- An errata list.
- Clarifications on U.S. Census information and Association of Bay Area Governments information.
- A list of Standard Industrial Classification codes.
- A copy of the report prepared by the State Department of Housing and Community Development regarding the effect of affordable housing on property values. Two of the studies were done in the Bay Area.
- Information on the State density bonus statutes.
- Information on State Propositions 77 and 84.

MEMORANDUM

TO: CITIZENS ADVISORY COMMITTEE ON THE HOUSING ELEMENT

FROM: LISA GRUETER, STA PLANNING, INC. *lg*

DATE: DECEMBER 4, 1990

Upon the suggestion of your committee, STA has taken a closer look at other Housing Elements including, the City of Belvedere and County of Marin Housing Elements. Some examples may be applicable to Piedmont.

CITY OF BELVEDERE

- Condominium Conversion Ordinance
Belvedere adopted an ordinance in 1983 which regulates the conversion of apartments to condominiums. The City recognizes the potential impacts of condominium conversions upon the rental stock and has set an initial conversion limit of 35 condominium units. When that number is reached, the City will evaluate the impacts of conversions on the rental stock.
- Reverse Annuity Mortgage (RAM)
This program helps low income elderly homeowners derive income from the equity in their homes while continuing to live in them. Loans are made to seniors based on the equity in their home; the loans must be paid back at the end of a specified term. Another option is the sale and leaseback plan whereby the senior sells the home to either an investor or an heir, who leases the property back to the senior for life. Usually the senior receives a substantial monthly payment from the buyer of the home. The RAM program has been funded by the Buck Trust.
- HUD 202 Program
This program provides direct, low interest loans to non-profit developers to construct housing developments for low income elderly and handicapped persons at modest rents. HUD's Section 8 program also provides long-term rental subsidies for Section 202 projects.

- Increased Densities

The City will approve appropriate density bonuses for low and moderate income housing proposals and waive or amend current zoning limitations as necessary. The City's senior Citizen and Handicapped Overlay Zone waives certain density limits and zoning standards to assist in development of affordable housing for such persons.

Should any of these programs be acceptable, the following would be incorporated into the proposed Housing Element for the City of Piedmont.

- Condominium Conversion Ordinance

The City recognizes the potential impacts of condominium conversions upon the rental stock and needs to be addressed according to the Subdivision Ordinance. The City will establish an initial conversion limit of ___ condominium units , and when the number is reached the City will evaluate the impacts of conversions on the rental stock.

- Reverse Annuity Mortgage Program (RAM)

This program will help low income elderly homeowners derive income from equity in their homes while continuing to live in them. Loans will be made based on the equity in their homes, and must be paid back at the end of a specified term. Another possible option is the sale and leaseback plan whereby the senior sells the home to either an investor or an heir, who leases the property back to the senior for life. The City will provide information or direct interested parties to appropriate financial institutions or real estate offices.

- HUD 202 Program

This program provides direct, low interest loans to non-profit developers to construct housing developments for low income elderly and handicapped persons at modest rents. HUD's Section 8 program also provides long-term rental subsidies for Section 202 projects.

- Overlay Zone

Implementation of the density bonus or other financial incentives will be especially targeted to senior citizen housing developments located in the Senior Housing Overlay Zone. The Overlay Zone shall be applied to certain multi-family zone areas.

COUNTY OF MARIN

The following program includes an example taken from the County of Marin's Housing Element.

- Mixed Commercial Uses
The County shall survey potential constraints and mitigation measures to allowing development of affordable housing on top of existing commercial buildings. Planning Department staff will conduct interviews of staff members in other departments responsible for processing residential applications and developers between January 1, and February 28, 1991. Before March 31, 1991, Planning Department staff will write a memo to the Planning Commission and the Board of Supervisors discussing the results of the interviews and detailing a work program to implement measures which will mitigate existing constraints and otherwise encourage development of such housing.

Should this program be acceptable the following would be included specifically for the City of Piedmont.

- Mixed Commercial Uses
The City shall survey potential constraints and mitigation measures to allow development of affordable housing on top of existing commercial buildings located on Grand Avenue.

3. PUBLIC HEARINGS

City of Piedmont
CALIFORNIA



MEMORANDUM

DATE: January 4, 1991
TO: Planning Commission
FROM: Lori Salamack,
City Planner
SUBJECT: HOUSING ELEMENT
UPDATE

AGENDA ITEM NO. 1

APPLICATION SUMMARY

HOUSING ELEMENT UPDATE REVIEW AND TRANSMITTAL

Applicant: City of Piedmont
120 Vista Avenue
Piedmont, California 94611

Request review of the Draft Housing Element and Advisory Committee Memo. Also request recommendation on transmittal of the document to City Council, and State Department of Housing and Community Development (HCD).

In accordance with State law and City of Piedmont policy, notice of the January 16, 1991 hearing was provided as follows:

1. Publication of a notice in The Piedmonter on January 2, 1991.
2. Posting of a notice at City Hall.

BACKGROUND

State Law

State law requires that every City and County prepare and adopt a housing element as part of the jurisdiction's General Plan. A housing element must be revised every five years and submitted to the State Department of Housing and Community Development for their review.

A housing element consists of an identification and analysis of existing and projected housing needs. Based on identified needs, the housing element includes a statement of goals, policies and quantified objectives. The statement must address the preservation, improvement and development of housing. The element must also identify adequate sites for rental housing, factory-

built housing, mobile homes, and emergency/transitional shelters as appropriate. The housing element makes adequate provisions for the existing and projected needs of all economic segments of the community. State requirements are included as Attachment A.

Due to the later introduction of an Advisory Committee and the several revisions requested, the City was not able to submit a Draft Housing Element to HCD by July 1, 1990. HCD was notified in May 1990 that City was beginning the Housing Element revision and would make a good faith effort to meet the due date. It should be noted that several jurisdictions in the Bay Area have not yet adopted their revised Housing Elements such as the City of Oakland.

When the Draft Housing Element is deemed satisfactory, the City Council will transmit the Draft Housing Element to HCD. Subsequent to a 45-day review period, the City will receive comments/recommendations from HCD. Upon incorporation of comments/recommendations, the City Council will certify or not certify the Negative Declaration/Initial Study required by the CEQA. The City Council will also be asked to adopt or not adopt the Housing Element Update.

Element Preparation

In May 1990, the City staff and chosen consultant, STA Planning, Inc., began preparation of the Housing Element. An Administrative Draft Housing Element was reviewed by City staff. Corrections and additions were made to the document and a second Administrative Draft Housing Element was submitted to City staff.

Housing Element Advisory Committee

On September 17, 1990 the City Council appointed a Housing Element Advisory Committee comprised of ten Piedmont citizens. The committee held four meetings on September 18, September 27, December 4, and December 13, 1990. While there are no requirements for noticing of committee meetings, three of four Housing Element Advisory Committee meetings were noticed in The Piedmonter and/or at City Hall. The Committee's recommendations and the Draft Housing Element are included as Attachments B and C.

Environmental Significance

A preliminary Negative Declaration/Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) and reviewed by the City staff and the Housing Element Advisory Committee. It will be presented formally to the Planning Commission and City Council prior to adoption of the Element since the current Draft Housing Element may be revised in accordance with City, public, and HCD comments.

SUGGESTED ACTION

Staff recommends that the Planning Commission receive and review the Draft Housing Element and take the following actions:

1. Receive the Draft Element;
2. Open the public hearing;
3. Take testimony from those present related to the Draft Element;
4. Make such changes as deemed appropriate, and
5. Recommend that the City Council transmit the Draft Element to HCD for their review.

Attachment A - State Requirement Checklist

Attachment B - Housing Element Advisory Committee Memo

Attachment C - Draft Housing Element

PLEASE NOTE THAT ATTACHMENTS TO THIS
STAFF REPORT CAN BE FOUND WITH THE
CITY COUNCIL STAFF REPORT. MINUTES
OF THE PLANNING COMMISSION HEARING
ARE ALSO ATTACHED TO THE CITY COUNCIL
STAFF REPORT.

CITY COUNCIL AGENDA REPORT

MEETING DATE: April 1, 1991
FROM: Lori Salamack - City Planner *LS*
SUBJECT: HOUSING ELEMENT UPDATE

RECOMMENDATION

Staff recommends that the City Council receive and review the Draft Housing Element and take the following actions:

1. Receive the Draft Element;
2. Open the public hearing;
3. Take testimony from those present related to the Draft Element;
4. Make such changes as deemed appropriate, and
5. Recommend transmittal of the Draft Element to HCD for their review.

NOTICE OF HEARING

In accordance with State law and City of Piedmont policy, notice of the January 16, 1991 Planning Commission hearing was provided as follows:

1. Publication of a notice in The Piedmonter on January 2, 1991.
2. Posting of a notice at City Hall.

Due to the beginning of the Gulf War, the hearing was canceled. The hearing was rescheduled for February 25, 1991. It was renoticed in The Piedmonter on February 11, 1991.

The April 1, 1991 City Council Hearing was posted at City Hall and noticed in The Piedmonter, on March 18, 1991.

BACKGROUND

State Law

State law requires that every city and county prepare and adopt a housing element as part of the jurisdiction's General Plan. A housing element must be revised every five years and submitted to the State Department of Housing and Community Development for their review.

A housing element consists of an identification and analysis of existing and projected housing needs. Based on identified needs, the housing element includes a statement of goals, policies and quantified objectives. The statement must address the preservation, improvement and development of housing. The element must also identify adequate sites for rental housing, factory-built housing, mobile homes, and emergency/transitional shelters as appropriate. The housing element makes adequate provisions for the existing and projected needs of all economic segments of the community. State requirements are included as Attachment A.

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Environmental Significance

A preliminary Negative Declaration/Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) and reviewed by the City staff and the Housing Element Advisory Committee. It will be presented formally to the Planning Commission and City Council prior to adoption of the Element since the current Draft Housing Element may be revised in accordance with City, public, and HCD comments.

PLANNING COMMISSION HEARING

On February 25, 1991 at the Planning Commission hearing, several key issues were addressed. Please refer to Attachment D for a transcript of the hearing. Individual Commissioners requested that the City Council review the following issues:

1. That Blair Park be considered as a possible site for construction of affordable housing.
2. That the "Mansion Home" concept for providing senior citizen housing be pursued.
3. That the City's second unit ordinance be re-examined.
4. That the language on page 52, paragraphs 2 and 4 of the Draft Housing Element Update needs more specificity.

STA has acknowledged these issues and provided recommendations and made the necessary changes to the document. These changes can be found in Attachment E and are indicated with bold text.

Blair Park

Issue

The need for open space should be balanced with the need for affordable housing. There are limited sites suitable for either use in Piedmont.

Response

Blair Park has not been included on the list of Adequate Sites. STA recommends that it not be considered due to the lack of open space that exists within the City, and the necessity of a vote of the people to approve a zone change to multi-family or single-family residential. With the inclusion of other adequate sites,

(Maxwellton and PG & E storage facility) and the possibility of allowing for mixed-uses on Grand Avenue commercial sites, the City will be able to meet its fair share housing allocation as determined by the Association of Bay Area Governments.

Mansion Homes

Issue

The Mansion Home concept involves the conversion of large existing homes into livable places for seniors. By allowing minimal changes, such as providing additional parking, interior and exterior changes to accommodate senior needs, this concept is made possible. This concept has been successful and is common in Greenwich, Connecticut.

Response

STA provides the following information regarding requirements and restrictions from the Greenwich Municipal Code. Because the two communities are similar it is important to consider the following issues.

The Greenwich Municipal Code Division 9 S6-94 details requirements related to Group Living Facilities for the elderly. The code subjects the facilities to standards of the Building Zone Regulations. Concerns for parking, safety, and aesthetics are addressed in the code.

For instance each facility shall provide on-site parking as follows: "One space per live-in staff member; enough additional parking to accommodate the passenger car used by residents, but not less than one space for every three residents."

Safety requirements in the code include: "Each facility shall be accessible to some form of public or private transportation so that non-driving residents are not isolated from community activities and services."

Aesthetic requirements in the code include: "In residential zones there shall be no exterior features to distinguish buildings, as viewed from the street, from other homes in the area. Any exterior changes proposed shall be subject to review by the A.R.C. as part of the Site Plan Review procedure. The exterior of facilities and the site shall be maintained in good condition and appearance, in conformity with the neighborhood."

Additionally, the requirements state: "No Group Living Facility shall be closer than 2,000 feet to another such facility or residential institutional use unless, under special permit procedures, the Commission finds a lesser distance is compatible with stated goals and intent."

STA has attached the text of the requirements for review and consideration. We have also added additional language in policies and programs.

Second Units

Issue

A study for the purposes of proposing a viable plan for addressing second units in Piedmont was discussed at the meeting.

Response

Please refer to page 60 of the Housing Element. STA recommends forming a task force to gather more data, due to the controversy of this issue. STA proposes no changes to the policies and programs related to second units.

Language on Page 52

Issue

The explanation as to why only 6 programs from the 1984 Housing Element were not adopted, was discussed in the meeting. The language was considered to be vague.

Response

STA has responded by directing readers to page 44-49 of the Housing Element Update for additional information. More detail has been added regarding the status of programs.

CITY ADMINISTRATOR'S COMMENTS

I concur with the recommendation of the City Planner.

Geoffrey L. Grote, City Administrator

Attachment A - State Requirement Checklist
Attachment B - Housing Element Advisory Committee Memo
Attachment C - Draft Housing Element
Attachment D - Planning Commission Minutes
Attachment E - Recommended Changes to the Housing Element

Locality _____ Draft _____ Adopted _____ HCD Receipt Date _____
 Contact Person _____ Phone# _____ Coastal Zone _____

Section numbers refer to the Government Code Article 10.6. Please provide the information referred to and the element page number(s) where the information is located. Additional information regarding each statutory requirement can be found in the HCD Housing Element Questions and Answers Paper on the page numbers following each requirement.

I. Housing Needs (65583(a)) (QA-6)

	Owner	Renter	Total	Page #
A. Number of existing households and housing units (QA-7)				
1. Households	_____	_____	_____	_____
2. Housing units	_____	_____	_____	_____
B. Lower income households overpaying (QA-6) for housing				
1. Total number	_____	_____	_____	_____
2. % lower income	_____	_____	_____	_____
C. List pages where special housing needs groups are analyzed and provide the estimated number of households: (QA-13)				
1. Handicapped	_____	_____	_____	_____
2. Elderly	_____	_____	_____	_____
3. Large households	_____	_____	_____	_____
4. Farmworkers	_____	_____	_____	_____
5. Families with female head	_____	_____	_____	_____
6. Homeless	_____	_____	_____	_____
7. Other _____	_____	_____	_____	_____
D. Number of overcrowded households (QA-7)	_____	_____	_____	_____
E. Number of housing units needing rehabilitation (QA-7)	_____	_____	_____	_____
F. Number of housing units needing replacement (QA-7)	_____	_____	_____	_____
G. Five-year projected new construction needs, including the locality's share of the regional housing needs as determined by COG or HCD; specify the time frame of the projections _____ and enter the construction need figures in the table below. (QA-4)				

Income Category	Five-Year New Construction Needs
Very low (0-50% of median income)	_____
Other Lower (50%-80%)	_____
Moderate (80-120%)	_____
Above Moderate (over 120%)	_____
Total Units	_____

H. If the regional housing needs provided by the Council of Governments or HCD has been revised, has the COG or HCD accepted the revision? (65584 (c)) _____
 List page(s) where the revision is justified. (QA-4) _____

I. Unless the employment and population trends are included in the regional housing needs figures provided by the COG or HCD, list the page(s) where these factors are analyzed. _____

II. Land Inventory (Sections 65583, 65583(a)) (QA-8)

Page # _____

Summarize in the table below the information on sites suitable for residential development within the five year planning period of the element. List page(s) where this topic is discussed, including the discussion of availability of services and facilities for the sites identified in the land inventory.

Zoning/permitted housing type	Number of acres	Density range (units/acre)	Availability of services & facilities (e.g. infrastructure)	Dwelling unit capacity
Single family				
Multiple-family and rental				
Mobilehomes, mfd. housing, mobilehome parks				
Emergency shelter or transitional housing				
Sites with residential redevelopment potential (within time frame of element)				
Currently non-residential				
Other				
TOTAL				

III. Constraints on Housing (65583(a)(4) and (5))

List pages where the housing constraints listed below are discussed: Page #

A. Governmental Constraints (QA-10)

- 1. Land use controls (e.g. zoning, growth controls, open space requirements) _____
- 2. Codes and enforcement (e.g. any local amendments to UBC, degree or type of enforcement) _____
- 3. On/off-site improvements (e.g. curbing requirements, street widths, circulation improv) _____
- 4. Fees and exactions (permit fees & land dedication or other requirements imposed on developers) _____
- 5. Processing and permit procedures (e.g. processing times, approval procedures) _____
- 6. Other governmental constraints _____

B. Nongovernmental Constraints (QA-12)

- 1. Availability of financing _____
- 2. Price of land _____
- 3. Cost of construction _____
- 4. Other nongovernmental constraints _____

IV. Quantified Objectives (Section 65583(b))

List quantified objectives for the maximum number of housing units over the five year time frame of the element to be: (QA-16)

- A. Constructed _____
- B. Rehabilitated _____
- C. Conserved _____

V. Other Topics

List pages where the following topics are discussed:

- A. Efforts to achieve public participation of all economic segments of the community in the development of the element (Section 65583(c)) (QA-33) _____
- B. Analysis of opportunities for energy conservation in residential development (Section 65583(a)(7)) (QA-15) _____
- C. Description of means by which consistency will be achieved with other general plan elements (Section 65583(c)) (QA-34) _____
- D. Evaluation and revision of the previous element according to the criteria of Section 65588(a) and (b): (QA-1)
 - 1. "Effectiveness of the element" (Section 65588(a)(2)): A review of the actual result of the earlier element's goals, objectives, policies, and programs. The results should be quantified where possible (e.g., rehabilitation results), but may be qualitative where necessary (e.g., mitigation of governmental constraints). _____
 - 2. "Progress in implementation" (Section 65588 (a)(3)): An analysis of the significant differences between what was projected or planned in the earlier element and what was achieved. _____
 - 3. "Appropriateness of goals, objectives, and policies" (Section 65588 (a)(1)): A description of how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of the prior element. _____
- E. For Coastal Zone localities, list the pages where the required information regarding construction, demolitions and conversions within the costal zone is provided (Section 65588(c) and (d)). (QA-35) _____

VI. Housing Programs (65583(c)). Summarize programs in the element. (QA-18)

Program Purpose	Program action(s)	Agency responsible	Time frame	Page #
<i>Provide adequate sites</i> (65583 (c)(1)) <ol style="list-style-type: none"> 1. Insure total dwelling capacity equal to new construction need (QA-22) 				
<ol style="list-style-type: none"> 2. Provide sites suitable for a variety of types of housing for all income levels, including rental housing and manufactured housing (QA-22) 				
<i>Assist in the development of adequate housing to meet the needs of low and moderate income households</i> (65583(c)(2)) <ol style="list-style-type: none"> 1. Utilize federal and state financing and subsidies 2. Provide regulatory concessions and incentives (QA-26) 				
<i>Address and, where appropriate and legally possible, remove governmental constraints</i> (65583(c)(3)) <ol style="list-style-type: none"> 1. Land use controls 2. Building codes 3. Site improvements 4. Fees and exactions 5. Processing and permit procedures (QA-28) 				
<i>Conserve and improve the condition of the existing affordable housing stock</i> (65583 (c) (4)) (QA-30)				
<i>Program to promote equal housing opportunity</i> (65583 (c) (5)) (QA-32)				
Other housing programs				

MEMORANDUM

City of Piedmont
CALIFORNIA



DATE: January 4, 1990
TO: Planning Commission
FROM: General Plan/Housing Element
Review Committee
SUBJECT: RECOMMENDATIONS ON THE PIEDMONT
HOUSING ELEMENT UPDATE

I. INTRODUCTION/CHARGE OF THE COMMITTEE

On September 4, 1990, the City Council directed that a Citizen's Advisory Committee be formed to review the draft Housing Element Update documents under preparation by STA Planning, Inc. A notice was published in The Piedmonter on September 11, 1990 requesting applications from interested Piedmont citizens. Ten applicants were selected by the City Council on September 17, 1990.

The charge of the Committee was as follows:

The Piedmont City Council seeks advice regarding amending and updating the Housing Element of the General Plan.

The City Council undertakes this inquiry in response to state mandates which require that housing elements be periodically updated and contain specific information about the availability and cost of existing housing and potential new housing. Members of the committee will be provided all relevant documents including the city's general plan, state legislation, and housing data compiled by the Association of Bay Area Governments (ABAG).

The City Council requests that the committee review the state requirements, ABAG's projections and the draft Housing Element in relation to the availability of possible site development in the city. In particular, the Council is interested in the committee's opinion regarding the extent to which Piedmont is able to identify adequate sites to meet the states' required number of housing units.

In addition, the committee should identify any other issues or deficiencies in the Housing Element such as they may wish the Council to address.

Following completion of the Housing Element update, the committee members will be requested to review the other elements of the General Plan in order to ensure compliance with the newly revised Housing Element and to make any other desired improvements.

As a Committee, we met four times to discuss the proposed Housing Element document and related issues. Specifically, meetings were held on September 18, September 27, December 4, and December 13, 1990.

II. KEY ISSUES

In accordance with City Council directions, the Committee reviewed the proposed Housing Element and related documents. Throughout the meetings major several issues were discussed including:

- Competition between housing needs and open space/recreational needs for scarce available lands;
- Senior housing needs;
- Second Unit Requirements;
- Manufactured Housing

With each topic, the Committee weighed the issues -- balancing State legislation and requirements versus Piedmont's unique urban character and its physical and regulatory features. Below are stated our conclusions related to the Proposed Housing Element Update according to the three major portions of the document: the needs assessment, goals/policies/programs, and availability of land.

III. HOUSING NEEDS ASSESSMENT

Overall, the proposed Housing Element accurately characterizes housing needs in Piedmont. As a Committee, we agree that the most pressing housing need is for Piedmont's senior citizens. As stated in the proposed Housing Element, senior citizens (over 60 years of age) represented 20% of Piedmont's 1980 population. Currently, Piedmont does not offer housing to meet the varied needs of its seniors.

Although no conclusive Census data is available regarding single-parent households or young adults, we feel that a special need also exists in these areas. It is doubtful that many Piedmont children could afford to purchase a home in the community where they were raised. As stated in the draft Housing Element, these Piedmont housing characteristics affect these special need groups: 1) a small rental housing stock; 2) a small stock of "starter homes."; 3) a general lack of affordable housing.

IV. GOALS, POLICIES, AND PROGRAMS

The Committee spent much time discussing the goals, policies, and programs of the proposed Element for appropriateness and feasibility. We would like to highlight key programs.

Second Units

A citizen's task force representing various viewpoints should be appropriate to study this issue in more detail. Because of the built-out nature of the community coupled with lack of affordable

housing, we recommend that the City Council strongly consider the proposed elements programs related to second units.

Manufactured/Mobile Homes

The State requires that local governments address manufactured/mobile homes through their zoning ordinance. This is addressed in draft Housing Element goals and policies. While we do not feel that market forces would encourage this type of housing, the City cannot promote excessive regulations to preclude manufactured housing units. The State, however, allows the consideration of architectural issues when reviewing such types of units. Because the City of Piedmont uses strict Design Review Guidelines, if a manufactured home could meet them, it would be virtually indistinguishable from other homes in Piedmont, avoiding disruption of community character.

Conservation of the Housing Stock

Given the general lack of affordable housing (including little rental housing and low number of starter homes), we feel it is important to pursue the rehabilitation/conservation funding listed in the Housing Element.

V. AVAILABILITY OF SITES

The community has little vacant land as evidenced in Appendix B of the Housing Element. Many of the vacant site(s) are only appropriate for market rate housing. Two sites were listed as potentially appropriate for market rate/affordable housing. We feel that a more-detailed analysis of these sites are important to

the implementation of the Housing Element. Should these sites become infeasible subsequent to analysis, additional sites should be researched.

VI. SUMMARY

In summary, the draft Housing Element is adequate. Should additional information on senior citizens, single-parent households, and young adults be available, it should be incorporated into the draft Housing Element needs assessment.

Additionally, we found that the goals, policies, and programs are feasible and appropriate. In particular, programs related to second units and conservation of the existing housing stock should be pursued.

Lastly, the Adequate Sites Survey generally shows that there are limited opportunities for housing development. The City should make a strong effort to research affordable housing sites especially for senior citizens.

APPENDIX D

CITY OF PIEDMONT

Planning Commission Special Meeting Minutes

February 25, 1991

Commission

Patricia White, Chairman
Fred Karren
Wayne Batavia
Allyn McAuley (excused absence)
Denny McLeod (excused absence)

City Planner

Lori Salamack

Director of Public Works

Larry Rosenberg

Acting City Planner

Barry Miller

Recording Secretary

Christine Harbert

CALL TO ORDER

Chairman White called the special meeting to order at 7:35 p.m. She announced that the purpose of the meeting is for the Commission to review the Draft Housing Element prepared by STA Planning, Inc., hear public testimony on the Draft and make recommendations to the City Council.

PRESENTATION OF THE DRAFT ELEMENT

Mr. Fred Talarico of STA Planning, Inc. stated that the Draft Element was prepared in conjunction with input from the City's General Plan/Housing Element Review Committee pursuant to state law which requires cities to review their housing elements every five years and submit the revisions to the State Department of Housing and Community Development (HCD) for review. The elements must identify and analyze existing and projected housing needs and include goals, policies and quantified objectives addressing the preservation, improvement and development of housing. The elements must also identify adequate sites for rental housing, factory-built housing, mobile homes, and emergency/transitional shelters as appropriate and make adequate provisions for the existing and projected needs of all economic segments of the community. Mr. Talarico stated that the City's Draft Element was finalized in December 1990 and is now ready for initial HCD review and he recommended that the Commission forward the Draft to the City Council for consideration and forwarding to HCD.

Mr. Arnie Brown (127 Woodland Way) and Mrs. Tamra Hege (80 Florida Avenue), members of the City's General Plan/Housing Element Review Committee commended STA Planning for its responsiveness to Committee requests and concerns, emphasized the considerable input the Committee provided in the Draft Element's preparation, and noted the Committee's confidence that the Draft meets state requirements. In addition, Mr. Brown: (1) felt that the Draft Element successfully balanced the

community's strong desire for the preservation of open space with ABAG's number of "fair share" housing units mandated for Piedmont; (2) underscored the Committee's recommendation that the Commission request the City Council to authorize a study for the purposes of proposing a viable plan for addressing second units in Piedmont. Clear guidance and an adopted program regarding this issue is needed; (3) noted the Committee's belief that more City attention should be devoted to housing for Piedmont's senior citizens and that the Draft Element makes provisions to to this; and (4) clarified the Committee's position with regard to manufactured housing that the central issue is housing appearance and not mode of manufacture and that all housing, including manufactured housing, should be made to comply with the City's Design Review Guidelines. Mrs. Hege underscored the Committee's consensus that Piedmont does need to meet its obligations to provide housing for a variety of people and needs. She also noted her personal support for retaining the City's existing, moderate housing stock. She recommended that while the City's older housing stock should be allowed to be improved, these improvements should not be permitted to change the nature of the home as a "starter" house since there currently is not enough housing to meet the needs of young adults seeking to reside in Piedmont.

PUBLIC TESTIMONY

Harold Power, 101 Wistaria Way

Mr. Power cited particular sections and text of the Draft which he felt were too vague and in need of further amplification. The specific sections cited were: (1) Page 52, paragraphs 2 and 4, believing that an explanation as "to why" was needed; and (2) Page 56, paragraphs 5 and 6, believing that the text should specifically identify and comment on the concept of "Mansion Homes" as a means for providing senior housing. Mr. Power further felt that the Draft Element (1) seemed to direct or allocate all potential senior citizen housing sites to only the Grand Avenue area of Piedmont; (2) failed to address the existence within the City of large parcels having multiple lots; (3) should recommend the re-examination of the City's Estate Zone since the majority of lots within the zone do not meet zone standards; and (4) should recommend the appointment of a Housing Task Force to implement the recommendations contained in the Draft or identify precisely who within the City will be responsible for implementation.

Shirley Schell, 24 York Drive

Mrs. Schell, President of the Piedmont League of Women Voters, commended STA and the Review Committee on their efforts and read a prepared statement setting forth the League's belief that the City should meet its "fair share" of housing as determined by ABAG requirements and that compliance with this mandate can be accomplished without changing the character of the City or impairing its quality of life. Mrs. Schell also requested the Commission's cooperation in encouraging residents to participate in the Housing Element review process.

Margaret Parsons, 319 Mountain Avenue

Mrs. Parsons concurred with Mrs. Schell's comments and encouraged the City not to take a "NIMBY" attitude with regard to sharing the Bay Area's burden of providing affordable housing.

Grier Graff, 94 Ramona Avenue

Mr. Graff, a member of the General Plan/Housing Element Review Committee, responded to Mr. Power's comments by stating that Piedmont's implementation of 60% of its housing programs is considered a "good performance" level and that the Draft Element's language was intentionally made vague in some instances because the Element will serve as a City guideline for five years and must therefore leave room for innovative solutions and approaches not currently known.

Alan Cohen, 150 Maxwellton Road

Mr. Cohen inquired re HCD requirements and the process of Housing Element preparation and Mr. Talarico responded by highlighting the major elements of state laws and requirements regarding housing elements and the penalties involved for non-compliance.

Mr. Talarico also responded to Commission concerns regarding the vagueness of the 1984 Housing Element paragraphs cited by Mr. Power (page 52), noting that the proposed language is the most advantageous to the City and will satisfy the state. He also stated that Piedmont's 60% implementation rate for housing program compliance is higher than any city he has examined.

COMMISSION DISCUSSION

The Commission indicated strong support of the "Mansion Home" concept for providing senior citizen housing and recommended that this idea be pursued. It noted that there are several large homes on large parcels that are no longer selling/affordable/attractive as single-family residences and these existing homes and properties could provide an excellent way via Mansion Home conversion or construction of satellite homes on the large estates for the community's older residents to remain in Piedmont.

The Commission also discussed potential sites for construction of affordable housing and recommended that Blair Park be considered as a possible site since it is level, has good access to the center of town as well as to the shopping district of Montclair, is not currently usable or developable as a park because of its narrow configuration and minimal sunlight, is screened from view, would be less costly to develop than proposed housing sites along upper Maxwellton, and even if developed with affordable and market-rate housing, would still provide a buffer of open space via the large hillside below Scenic Avenue.

Commissioner Batavia noted his desire that the City's second unit ordinance be re-examined to consider the potential of such units for senior housing.

The Commission approved by consensus the forwarding of the Draft Housing Element to the City Council, with the request that the Council review issues raised by the Commission regarding use of Blair Park, the sufficiency of the language of paragraph 4 on page 52 of the Draft, the concept of Mansion Home housing, and a re-examination of the City's second unit housing ordinance.

ADJOURNMENT

There being no further business, Chairman White adjourned the meeting at 8:35 p.m.

ATTACHMENT E

RECOMMENDED CHANGES TO THE HOUSING ELEMENT

The Growth Management program was probably not adopted due to its limited applicability to the City of Piedmont, a built out community with limited vacant land and no areas for expansion.

The City Council sets priorities and funding sources. The areas studied since 1984 include the following major items:

1. Second Units
2. Zoning Ordinance Update
3. Application for CDBG funds
4. Turfed Facilities
5. Infrastructure Improvements (wastewater, and sidewalks)

To address the concerns related to lack of City staff time, the City is considering hiring additional planning staff. To address lack of funds, more funding sources are indicated in the Housing Element. In the past, the City Council has supported the housing programs from the 1984 Housing Element. It is anticipated that due to the growing state requirements related to Housing Elements, and housing development issues, the City will continue to include Housing Programs when prioritizing community issues to be addressed.

ABAG published its housing need determinations in 1983. The City's share as determined by ABAG, was as follows:

<u>Income Level</u>	<u>Share</u>	
very low income	68	
lower income	48	
moderate income	61	
above moderate income	<u>164</u>	
TOTAL	341	Units

The above housing share estimates cover the period 1980 through 1990. Existing need in 1983 equalled 164 dwelling units. Projected need equalled 177 dwelling units (phone interview, Raymond Brady, ABAG, August 21, 1990). The formula used at that time accounted for housing demand and vacancy rates, as well as other factors. Factors such as land availability were not considered. The absence of this fact may be the reason that the fair share allocation was high. Adequate sites identified in 1984 could not have supported the number of units to be provided.

If 341 units had been developed between 1980 and 1990, it would have represented a nine percent increase over the 1980 housing stock of 3,837. Housing development has not increased at that rate since the 1940's and 1950's. Please refer to Table B. Minimal housing construction was likely due to the following::

- A recession in the early 1980's
- The lack of vacant land
- Existing topography/site constraints
- Land use policies favoring lower densities in accordance with the City Charter

In order to facilitate housing development, several programs have been included in this Housing Element which will guide the City in its efforts to plan and develop housing according to community needs. The programs identify potential housing sites, provide suggested funding mechanisms, and remove governmental constraints.

HOUSING GOALS, POLICIES, AND IMPLEMENTATION PROGRAMS

INTRODUCTION

Section I of the Housing Element provided an assessment of current housing conditions and needs. Several major findings were made in the housing assessment including:

1984 Housing Element

1. The City of Piedmont made a good faith effort to implement the 1984 Housing Element.
2. The City implemented 60 percent of the housing programs (9 of 15) from the 1984 Housing Element. (Please refer to pg.44-49 for more detail on programs implemented in the 1984 Housing Element).
3. After evaluation, one housing program from the 1984 Housing Element did not merit implementation (Growth Management Ordinance).
4. Only six housing programs from the 1984 Housing Element were not adopted/acted upon. This was due to lack of staff, financing, alternative priorities, or inappropriateness given physical/environmental characteristics of the City. (Please refer to pg.44-49 for more detail on programs not implemented in the 1984 Housing Element).

Environmental Considerations

1. Limited amount of land exists for potential residential development.
2. The City is surrounded by Oakland with no potential for annexation.
3. Topography prevents inexpensive housing construction.

Housing Needs

1. There are a significant amount of senior citizens residing in Piedmont. There are no existing senior housing facilities within the City Limits.
2. Rents and home sales prices exceed the incomes of some Piedmont citizens and prevent others from moving to Piedmont.
3. Some sections of the Municipal Code which regulate development require review and update according to current State requirements.

agencies which provide funding sources supporting rental housing units. Possible sources include:

STATE

- Rental Housing Construction Program. Provides loans to local governments for the development of rental housing.
 - Proposition 77 and 84 funds for rehabilitation and construction of rental units.
4. The City will make available information of state and regional programs that support housing for special need groups. Possible funding sources include:
 - Senior Citizens Shared Housing Program - Provides grants to local governments and non-profits helping seniors find others with whom they can share housing.
 - Housing Assistance Program - Provides Section 8 certificates to developmentally, mentally, and physically disabled adults.
 5. The City will investigate available sites for development and/or construction of shared living homes for senior citizens, this could include the conversion of Mansion Homes.
 6. The City will investigate available sites for construction of senior housing units.
 7. The City, alone or in conjunction with the County, will investigate California Debt Limit Allocation Committee requirements for issuance of tax-exempt Mortgage Revenue Bonds (MRBs). If feasible in the determination of the City Council, the City and/or County will apply to the Committee for allocation of MRBs.
 8. If found feasible by the City Council, the City alone or in conjunction with the County, will contact the California Debt Advisory Commission and investigate requirements to obtain authority for the issuance of Mortgage Credit Certificates (MCCs). The City and/or County will work with local and real estate agencies and lenders to implement a MCC program.
 9. The City will provide information to developers and the public regarding the California Housing Finance Agency's (CHFA) bond financing program.

Sec. 6-92. ZONE CHANGE PROCEDURE.

(a) In addition to all other requirements relating to an application for a change of zone, as indicated in Section 6-22 and the applicable General Statutes, any application for change of zone filed under this Division shall include the following:

(1) A written statement describing specifically the manner in which the policy set forth in Section 6-86 will be served and the purposes set forth in Section 6-87 will be accomplished and maintained;

(2) A proposal in form and substance acceptable to the Town Attorney which will effectively empower the Housing Authority to set rental and/or sales prices annually of all housing that may be constructed in the proposed PHD-N Zone, which rental and/or sales prices shall be consistent with the Housing Authority's definition of housing for moderate income households;

(3) Plans showing the location of all existing buildings and structures situated on all land within one hundred (100) feet of the perimeter of the land proposed for rezoning, and beyond where necessary to describe the existing neighborhood;

(4) Plans showing the proposed location of all buildings and structures within the perimeter of the land proposed for rezoning;

(5) Schematic drawings or representations adequate to show building locations and elevations and general site and landscape plans in relation to the neighborhood; and

(6) Such additional information as the Commission may deem reasonably necessary to make a decision on the application.
(Bldg. Zone Regs., §5.6f.)

DIVISION 9. USE REGULATIONS.⁸**SUBDIVISION 1. RA-4, RA-2, RA-1, R-20 and R-12 Zones.****Sec. 6-93. PERMITTED USES IN RA-4, RA-2, RA-1, R-20 AND R-12 Zones.**

(a) The following principal uses are permitted in RA-4, RA-2, RA-1, R-20 and R-12 Zones and all other principal uses are expressly excluded:

(1) Detached single family dwellings, one (1) per lot.

(2) Streets, parks, playgrounds, public school grounds and Town buildings and uses.

(Bldg. Zone Regs., §6a(1), (2), (3).)

⁸State law reference: As to authority to adopt use regulations, see C.G.S. §7-194(37).

Sec. 6-94. PERMITTED USE BY SPECIAL EXCEPTION OR SPECIAL PERMIT AS INDICATED BELOW.

(a) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 Zones when authorized by the Board of Appeals as special exceptions:

- (1) Horticultural and wildlife reservations and natural park areas.
- (2) Clubs, recreational areas and fall-out shelters not open to the general public and not operated for commercial profit, and community centers operated by civic associations.
- (3) Commercial agricultural uses including commercial nurseries and greenhouses, livestock and poultry raising, dairy farming, and kennels, provided that any building or structure designed for such use including the storage of manure or soil fertilizer shall be located not less than one hundred (100) feet from any street or lot line, provided further that any poultry or livestock shall be kept in approved enclosures and shall not be allowed to roam at large, provided further that commercial slaughtering, fertilizer manufacture or any commercial reduction of animal matter shall not be permitted.
- (4) Cemeteries, provided that no location shall be approved any part of which is less than five hundred (500) feet from a residence.
- (5) Churches, educational institutions not operated for commercial profit.
- (6) Public utility uses not including incidental service and storage yards.
- (7) Radio and television stations and towers; satellite earth station towers except those transmitting or distributing microwaves which are subject to Sec. 6-140.1. (10/7/85)
- (8) The keeping of more than six (6) horses (not including their young under the age of six (6) months) provided there shall be at least twenty thousand (20,000) sq. ft. of gross lot area for each horse age six (6) months or older, except when consistent with the purpose of this Article a smaller area may be permitted by the Zoning Board of Appeals. Any facility for the care and raising of horses, including shelter, land area and fencing, shall conform to reasonable conditions or limitations proscribed by the Board of Appeals.
- (9) Repealed (5/31/81) (7/16/86)
- (9) Construction and use of accessory structures involved in the operation of a public underground utility when located in or abutting the street right-of-way and not exceeding one (1) story or thirty-five (35) feet in height.
- (10) Emergency youth shelter. (1/8/77)
(Bldg. Zone Regs., S6a(4).)

(b) The following uses shall be permitted in RA-4, RA-2, RA-1, R-20 and R-12 zones when authorized by the Planning and Zoning Commission by Special Permit issued pursuant to Sec. 6-17:

- (1) Hospitals; clinics; nursing homes; homes for the aged; sanitariums; convalescent homes, or other health care facilities or facilities for the elderly; philanthropic or charitable institutions not of a penal or correctional nature nor for the care of insane or feeble-minded patients; provided that any building so permitted shall be located not less than one hundred (100) feet from any street or lot line unless the Commission finds in consideration of the particular use and its specific location that a lesser distance will protect adjacent property owners from adverse impacts. (10/27/83)

(2) Group Living Facility for the Elderly; Special Requirements: (2/25/88)

(a) It is the intent of these regulations to prevent a concentration of facilities and uses which could alter a neighborhood's essential character or contribute to the creation of an institutional atmosphere. No Group Living Facility shall be closer than 2000 feet to another such facility or residential institutional use unless, under Special Permit procedures, the Commission finds a lesser distance is compatible with stated goals and intent. (6/11/90)

(b) In residential zones a Group Living Facility may be located only in structures which were existing and listed with the Tax Assessor's office as of January 1, 1988.

(c) In residential zones there shall be a minimum lot area of 1200 s.f. per person including staff in residence; in no case shall a facility house more than 12 residents plus live-in staff.

In business zones, the minimum lot area requirements shall be 2000 s.f. for every three persons and no facility shall house more than 12 residents plus live-in staff.

(d) There shall be a minimum gross floor area requirement of 400 s.f. per resident, including live-in staff.

(e) Each facility shall provide on-site parking as follows: One space per live-in staff member; enough additional parking to accommodate the passenger cars used by residents, but not less than one space for every three residents.

(f) In residential zones each facility shall have side yard setbacks equal to those of the next more restrictive zone unless the Commission finds that due to location or other circumstances the standard zone setback is sufficient to provide adequate light, air and privacy for residents of the proposed facility and residents in adjacent dwellings. In no case shall the minimum side yard setback be less than 10 feet.

In business zones the standards of the R-12 zone shall be used for calculating the side yard setbacks.

(g) Each facility shall have adequate indoor and outdoor common space.

(h) In residential zones there shall be no exterior features to distinguish buildings, as viewed from the street, from other homes in the area. Any exterior changes proposed shall be subject to review by the A.R.C. as part of the Site Plan Review Procedure. The exterior of facilities and the site shall be maintained in good condition and appearance, in conformity with the neighborhood.

(i) Any property located on a septic system or served by well water shall be required to prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health.

(j) Each facility shall be accessible to some form of public or private transportation so that non-driving residents are not isolated from community activities and services.

(k) No Group Living Facility serving persons other than the elderly shall be permitted under this section. Any change of ownership of a Group Living Facility for the Elderly shall require a revised Special Permit.

(l) Each Group Living Facility for the Elderly shall be subject to all standards of Sec. 6-15 and 6-17 of the Building Zone Regulations, and the requirements of the zone in which the facility is located except where modified by the standards contained herein.

(m) Expansion of a Group Living Facility structure shall be subject to Site Plan Review. If the expansion increases the gross floor area by 25%, a revised Special Permit shall be required.

(n) No Certificate of Occupancy shall be issued until the Planning and Zoning Commission has determined that all requirements for establishing a Group Living Facility have been met, including the following.

(1) A designated Responsible Agent, which may be an owner-operator or other person or entity, shall have filed with the Board of Health the following standard agreements which are available in the Commission Office:

(A) An agreement which specifies the right of the Board of Health and other Town Agencies having jurisdiction to inspect the facility annually or as necessary.

(B) A statement of the obligation of the Responsible Agent to sign a contract with each prospective resident before he or she takes occupancy.

(C) A copy of the proposed contract between the Responsible Agent and residents which incorporates, as a minimum, the standard agreement referred to in (1) above. The contract shall specify rights and responsibilities, services offered, and conditions for admission and termination of residency.

(2) The designated Responsible Agent shall file proof of incorporation in the State of Connecticut and a copy of the by-laws of the incorporated entity with the Board of Health.

(3) A Board of Directors which shall include representation from the facility's residents and the community-at-large, and the Responsible Agent, shall have been designated. Said Board shall oversee the facility's operation, help establish policies, and certify annually to the Board of Health that each resident of the Group Living Facility has signed the required contract with the Responsible Agent.

(3) Group Day Care Homes - Special Requirements: (10/2/89)

(a) It is the intent of these regulations to allow care and protection for young children in a home-like atmosphere by allowing an accessory use to a Resident-occupied single family home for operating under State of Connecticut licensing, a Group Day Care Home. It is also the intent of these regulations to prevent the intrusion of commercial uses in a residential zone, in accordance with the guidelines of the Town's Land Use Plan, by establishing the use as accessory to resident occupied use; and to prevent a concentration of facilities and uses which could adversely impact a neighborhood's character, property values or increase or contribute to the creation of an institutional, or more traffic intensive atmosphere; and to promote the health, safety and general welfare of the community.

(b) Each Group Day Care Home shall meet the following requirements:

(1) Compliance with all state licensing requirements for Group Day Care Homes;

(2) One (1) on-site parking space exclusively for residential use;

(3) Two (2) on-site parking spaces for non-resident staff members;

(4) No exterior features of the Group Day Care Home shall distinguish it from other single-family dwellings in the area;

(5) There shall be no more than two (2) non-resident employees on the premises at any one time;

(6) Use of the dwelling as a Group Day Care Home shall be subordinate and incident to the use of the dwelling as a single-family residence;

(7) No Group Day Care Home shall be located within two thousand (2,000) feet of another Group Day Care Home.

(8) Any Group Day Care Home serviced by a septic system and/or well shall prove the efficiency and capacity of the septic system, and the yield and quality of well water, all in accordance with standards of the Department of Health;

(9) The Group Day Care Home shall not operate more than twelve (12) hours during each twenty-four (24) hour period, and no overnight accommodations for children or staff shall be permitted.

RECEIVED

MAR 26 1991

CITY CLERK
CITY OF PIEDMONT

League of Women Voters of Piedmont

24 York Drive Piedmont, CA 94611

March 27, 1991

Mayor Skip Rhodes
City of Piedmont
120 Vista Avenue
Piedmont, California 94611

Dear Mayor Rhodes:

The League of Women Voters of Piedmont would like to commend you and the other members of the City Council for beginning the process to update the city's housing element. Our members have studied the state requirements for city housing elements in California. We recognize there is a shortage of housing in the Bay Area and that there is need for additional housing to be built or acquired.

We believe Piedmont should meet its fair share of housing as required in Chapter 1440, California Statutes of 1990, and as determined by the Association of Bay Area Governments. Adding ABAG's allotted share of an additional 29 housing units to Piedmont, which now has 3,870 units, is feasible without changing the character of the city or impairing the quality of life now enjoyed by its citizens.

League members believe it is increasingly difficult for young families and for city and school employees to be able to afford to live in Piedmont. Many of our elderly citizens have problems remaining in Piedmont because of the difficulties and expense of maintaining their single-family homes. Piedmont has an obligation to its present citizens and to those who provide city and school services.

We realize that the shortage of building sites and the high costs of land and construction make meeting our fair share a challenge. However, we believe that by using available resources in creative ways such a goal is possible. We believe additional housing units can be constructed with funding assistance from various levels of government. Affordable housing does not need to be shoddy in construction or unsightly in appearance. High standards of design and construction are possible in subsidized housing, as seen in cities such as Belvedere and Palo Alto.

Our members believe that the need for affordable housing should be balanced with the need for open space. We believe environmental concerns should also be addressed.

We would appreciate your taking the views of our members into consideration as the City Council adopts the city's housing element.

Thank you.

Very truly yours,

Shirley Schell

Shirley Schell, President
League of Women Voters of Piedmont

2: Geoff Grote
Lori Salomack
Linda Roselhouse

same letter addressed to ALL
(council members)

DR. & MRS. CHARLES A. LIECHTI
460 NEWCASTLE COURT
VALLEJO, CA 94591

RECEIVED

MAR 26 1991

CITY CLERK
CITY OF PIEDMONT

March 25, 1991

City Council
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

Subject : Housing Element; SUITABILITY OF MAXWELTON
PROPERTY FOR LOW-COST SENIOR HOUSING.

Dear Members of the City Council:

The January '91 Housing Element Draft points out that no senior housing facilities are available within the City Limits (page 52).

This draft identifies the "Maxwelton Property" as an "adequate" site for low-cost housing (9300 sq. ft. of partially level area at the City's Northern corner located within the Mountain View Cemetery's greenbelt). This site, accommodating eight detached dwelling units with access to Maxwelton Road, has been chosen specifically for senior housing needs.

Piedmont City Council

March 24, 1991

P A G E 2

As owners of an adjacent property (190 Maxwellton Road), we question this choice for the following reasons:

- * Heavy traffic along the steep, winding and narrow Maxwellton Road, serving many Piedmont and Oakland residents.

- * Absence of any sidewalks.

- * Considerable distance from shopping centers, public transportation and medical care facilities.

- * Cost of land in this prime view location offering large level lots.

Piedmont City Council

March 25, 1991

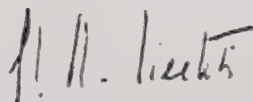
P A G E 3

As an alternative, it would be more advantageous to either leave this property undeveloped or to support the construction of several Estate Properties on 1 acre view lots stretching from Piedmont into Oakland. In this case, the developer would have to build a wide access road from Clarewood Drive to these new home sites.

For these reasons we urge you to remove the Maxwellton Property from the list of low-cost housing sites.

We appreciate your interest in this subject matter.

Sincerely yours,



Charles A. Liechti



Helgard E. Liechti

Conditional Use Permit for property located at 1331 Grand Avenue, Piedmont for a permit term of five years.

Moved by Hill, Seconded by Schey. MOTION CARRIED UNANIMOUSLY (Rhodes, Foulkes, Hill, Kegley, Schey)

PUBLIC HEARING: Review of General Plan Draft Housing Element

Mayor Rhodes opened the hearing with an explanation of procedures and a request for consultant report. Mr. Fred Talarico and Ms. Lisa Grueter of STA Planning, the City's Housing Element consultant, briefly reviewed the Draft Element's preparation process, noted the extensive review given to the Draft by the City's staff, citizen advisory committee and planning commission, and recommended that after tonight's public review, the Council forward the Draft to the State Department of Housing and Community Development (HCD). Mr. Talarico described HCD's review process, commented on the contents of Piedmont's Draft, and reported on state laws relating to Housing Element preparation, content, review and implementation. Ms. Grueter reported on the state's directive to the Association of Bay Area Governments (ABAG) to determine "fair share" housing unit allotments for cities within its region and how ABAG most likely calculated the 29 unit (14 low income/15 market rate) requirement for the City of Piedmont. Mr. Talarico added that while the Draft Element does not guarantee that these 29 units will be developed, it does not present any obstacles to preclude such development and recommends that specific housing issues and sites be studied over the next five years.

Speakers: Arnie Brown, 127 Woodland Way
Harold Power, 101 Wistaria Way
Charles Liechti, 190 Maxwellton Road
Shirley Schell, 27 York Drive
Tamra Hege, 80 Florada Avenue
Stan Bergum, 5537 Maxwellton Road, Oakland

Mr. Brown and Mrs. Hege, members of the City's Housing Element Advisory Committee, stressed that the Draft Element has been tailored made for Piedmont, balances the City's need for both open space and additional housing, and presents a workable framework for meeting the housing mandate set by ABAG. Mr. Brown also highlighted the Committee's recommendations that Blair Park be retained as open space and not be considered as a site for senior or low-income housing as suggested by the Planning Commission, that the City's need for senior housing be studied, and that the City re-examine its second unit ordinance in light of the need for more senior and young adult housing within the community. Mr. Power reviewed the Draft's preparation process, acknowledging and commending the extensive citizen input which went into the effort. Mrs. Schell, President of the Piedmont League of Women Voters, referenced the League's support of the Draft and recommended that the document be forwarded to HCD as soon as possible to expedite the process of review and approval. Dr. Liechti and Mr. Bergum strongly opposed the Draft's designation of Maxwellton Road as a possible site for senior/affordable housing, stressing that the site is unsuitable for such housing and should be deleted from the Draft for

the following reasons: (1) the access roadway is long, poorly lit, narrow and steep and does not have sidewalks -- dangerous conditions for the elderly; (2) the area is very distant from shopping centers, medical facilities and public transportation; (3) the high cost of this "prime view" property will make it economically impractical to develop for low-cost housing; (4) the access roadway is substandard and incapable of handling additional traffic volume; and (5) the area currently exists as natural open space providing habitat for area wildlife. Councilmember Schey agreed, adding that the designation of Maxwellton Road as a potential low/senior housing site was unrealistic given that the property cannot be developed from Piedmont access (best access is from Oakland) nor is the property affordable for such housing since its spectacular view qualities substantially increase its land value, and furthermore such a designation is unfair in that it would impose low-income or senior collective housing in the midst of a neighborhood which paid high market rate for view property and which would suffer depreciation in property values if said housing was constructed. In addition, Councilmember Schey questioned the Draft's recommendation that the electorate-approved second unit timetable be postponed, the authority of ABAG to impose housing mandates on Piedmont, and the Draft's vagueness as to details regarding the mandated housing components in terms of where, how and what. For these reasons Councilmember Schey could not support the Draft.

The remaining Councilmembers supported the Draft, noting that it complies with state laws and mandates, does not present impediments to the achievement of "fair share" housing allotments, and is tailored to Piedmont's particular situation. They also approved the proposed revisions to the Draft prepared in response to the Planning Commission's February 25 public hearing on the matter (Attachment E) and recommended the following additional changes:

-- New Page 45 AREAS STUDIED SINCE 1984: add Design Review Guidelines to list;

-- Page 50 FINDING #11: reference the General Plan's Open Space Element as the source for determining that 14 acres of grass playfields are required for Piedmont;

-- Page 52 HOUSING NEEDS #1: "There is a significant number . . ."

-- Page 56 IMPLEMENTATION PROGRAM #5 and #6: "The City will respond to parties interested in developing available sites . . ."

-- Pages 60 & 61 IMPLEMENTATION PROGRAM (1st paragraph): "The following programs need to be reviewed annually for progress, as required . . ."

The Council further agreed to schedule the annual review of Housing Element programs during the budget session.

Resolution 45-91 (0515)

RESOLVED, that the City Council transmits Piedmont's Draft Housing Element Update, as amended herein, to State Department of Housing and Community Development for review.

Moved by Hill, Seconded by Foulkes. MOTION CARRIED 4 (Rhodes, Foulkes, Hill, Kegley) to 1 (Schey)

The Council requested staff to make copies of the amended Draft available at City Hall and police dispatch for public review.

PUBLIC HEARING: Cable Oakland Service Level and City's
Cable TV Franchise

Mayor Rhodes opened the public hearing held in accordance with Section 1.008 of the City's franchise agreement with Cable Oakland allowing for the review of cable TV service levels at three year intervals. The City Administrator noted that public comment received tonight would be included as part of any subsequent review of the franchise agreement which expires January 1999.

Speakers: Pat Markovich-Treece, 132 Olive Avenue
Bruce Mulloy, no address given
Harold Power, 101 Wistaria Way
Andrew Hass, 131 Hazel Lane
Jim Flemming, no address given
Maxine Ashcraft, no address given

Ms. Markovich-Treece, Chairman of the City's KCOM Advisory Committee, submitted a summary of the Committee's questions and concerns regarding the City's franchise agreement with Cable Oakland and requested Council review and response to the issues raised. Ms. Markovich-Treece added that it is the Committee's belief that all the franchise benefits available to the City are not being realized because of a lack of awareness of same and that there is a need for greater accountability to the provisions of the contract and for mandatory enforcement of the services mandated. Mr. Mulloy, Vice President and General Manager of Cable Oakland, reviewed the company's on-going contact with City personnel and KCOM station staff, noted that he had not received a copy of the Advisory Committee's document, and felt that an open communication line exists between Cable Oakland and Piedmont. Mr. Power referenced his March 26, 1991, letter to the Council commenting on Cable Oakland's misleading service promotions and marketing techniques in requesting that the company be required to improve its marketing/merchandising programs to increase accuracy and truthfulness. Mr. Hass commented on his difficulties in getting his home hooked-up to cable service, the exorbitant charge being quoted by the company for said hook-up and his concern that the unsightly and unsafe condition of many of Cable Oakland's street boxes pose public safety hazards and detract from the aesthetics of the City. He requested that Cable Oakland be required to report annually on the inspection and repair of its boxes. The Mayor requested Mr. Hass to



MEMORANLUM

DATE: August 2, 1991
TO: Planning Commission
FROM: Lori Salamack, City Planner
SUBJECT: HOUSING ELEMENT UPDATE

AGENDA ITEM NO. 1

HOUSING ELEMENT UPDATE

Request review and recommendations related to adoption of the Draft Housing Element, and request recommendation on the response to the comments of the State Department of Housing and Community Development (HCD). Also request review and recommendations related to the Draft Negative Declaration/Initial Study.

In accordance with State law and City of Piedmont policy, notice of the August 12, 1991 hearing was provided as follows:

1. Publication of a notice in The Piedmonter on July 30, 1991.
2. Posting of a notice at City Hall on July 25, 1991.

BACKGROUND

State Law

State law requires that every city and county prepare and adopt a housing element as part of the jurisdiction's General Plan. A housing element must be revised every five years and submitted to the State Department of Housing and Community Development for their review.

A housing element consists of an identification and analysis of the City's existing and projected housing needs in accordance with data compiled by ABAG. The housing element includes a statement of goals, policies and quantified objectives derived from ABAG requirements. The statement must address the preservation, improvement and development of housing. The element must also identify adequate sites for a variety of housing types. The housing element must make adequate provisions for the existing and projected needs of all economic segments of the community.

Document Processing

On February 25, 1991, the Planning Commission held a hearing to review the Draft Element, take public testimony, make recommendations related to the adequacy of the Draft Element, and recommend transmittal of the document to HCD.

On April 1, 1991, the City Council also held a hearing to review the Draft Element, take public testimony, make recommendations related to the adequacy of the Draft Element, and take action to transmit the Draft Element as modified to HCD.

On April 19, 1991, the City transmitted the Draft Housing Element with modifications to HCD for review. Subsequent to a 45-day review period, the City received comments/recommendations from HCD dated May 31, 1991. The State's comments and recommendations are included as Attachment A. HCD comments are advisory as stated in Government Code Section 65585(d).

Housing Element Advisory Committee

On September 17, 1990, the City Council appointed a Housing Element Advisory Committee comprised of ten volunteer Piedmont citizens. The committee held four meetings on September 18, September 27, December 4, and December 13, 1990. While there are no requirements for noticing of committee meetings, three of four Housing Element Advisory Committee meetings were noticed in The Piedmonter and/or at City Hall. The Committee guided the preparation of the Element. The Committee's comments and recommendations are included in Appendix A of the Draft Housing Element dated April 15, 1991.

A meeting was held July 18, 1991 to review the comments made by HCD on the Draft Element. Changes to the Draft Element were suggested by the Committee. The Committee's recommendations have been incorporated into the City's response letter to HCD on the Draft Element. Please refer to Attachment B.

Environmental Significance

A Draft Negative Declaration/Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) and reviewed by the City staff and the Housing Element Advisory Committee. It is attached for your review.

The Negative Declaration/Initial Study is included as Attachment C.

According to CEQA Guidelines Section 15074(a), the Planning Commission shall do the following:

(a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed Negative Declaration before making its recommendation.

According to CEQA Guidelines Section 15074(b), the City Council shall do the following:

(b) Prior to approving the project, the decision-making body of the Lead Agency shall consider the proposed Negative Declaration together with any comments received during the public review process. The decision-making body shall approve the Negative Declaration if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

The Negative Declaration/Initial Study has been forwarded to the State Clearinghouse for a 30-day review period (beginning August 2, 1991). The Negative Declaration/Initial Study and any agency or citizen comments received will be forwarded to the City Council.

SUGGESTED ACTION

The Planning Commission will review and make recommendations related to the adoption of the Draft Element, response letter to the State, and the adequacy of the Negative Declaration/Initial Study. Resolutions prepared for the Planning Commission are included as Attachment D.

Staff recommends that the Planning Commission take the following actions:

1. Review the Draft Element, letter response to HCD comments, and Draft Negative Declaration/Initial Study;
2. Open the public hearing;
3. Take testimony from those present related to the Draft Negative Declaration/Initial Study and Draft Element;
4. Make such changes as deemed appropriate to the Draft Element and response letter to HCD;
5. Review resolutions, and
6. Make recommendations related to the adoption and adequacy of the Negative Declaration, Draft Element, and response letter.

-OR-

7. After action number 3 above, continue the public hearing to the next Planning Commission meeting as scheduled.

Attachment A - Comments from State

Attachment B - Proposed City of Piedmont Response Letter to HCD.

Attachment C - Negative Declaration/Initial Study

Attachment D - Resolutions

APPENDIX A .

COMMENTS FROM THE STATE
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HOUSING POLICY DEVELOPMENT

1800 THIRD STREET, Room 430
P.O. BOX 952053
SACRAMENTO, CA 94252-2053
(916) 323-3176 FAX (916) 323-6625



May 31, 1991

Mr. Geoff Grote
City Administrator
City of Piedmont
120 Vista Avenue
Piedmont, California 94611

Dear Mr. Grote:

RE: Review of City of Piedmont's Draft Housing Element

Thank you for submitting Piedmont's draft housing element, received April 19, 1991 for our review. As you know, we are required to review draft housing elements and report our findings to the locality (Government Code Section 65585(b)).

Identified concerns were reviewed in a telephone conversation May 30, 1991 with Lisa Grueter, the City's consultant.

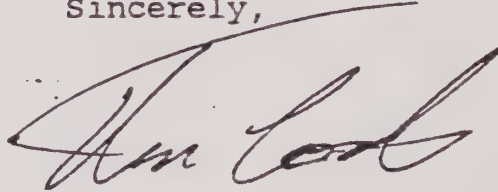
The draft element is a well organized document which contains much useful information about the City. In addition, the element adequately responds to requirements pursuant to Chapter 1451, Statutes of 1989, relating to the potential conversion of existing, assisted housing developments to non-low-income housing during the next ten-year period (Government Code Section 65583(a)(8) and (c)(6)). However, in our opinion, certain revisions are needed for the element to comply with State housing element law (Article 10.6 of the Government Code). A listing of our recommended changes is included in the attached Appendix.

We hope our comments are helpful to the City and we appreciate the assistance of Ms. Grueterk during the course of our review. If you have any questions about our comments, or would like assistance in the revision of your element, please contact Jeff Spano of our staff at (916) 323-6174.

Mr. Jeff Grote
Page 2

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Cook', with a large, sweeping flourish extending from the end of the name.

Thomas B. Cook, Chief
Housing Policy Development
Division

Attachment

cc: Lawrence Rosenberg, Public Works Director, City of Piedmont
Lori Salamack, City Planner, City of Piedmont
Lisa Grueter, Project Manager, STA Planning, Inc.
Clifford Sweet, Alameda County Legal Aid Society
Mike Rawson, Alameda County Legal Aid Society
Gen Fujioka, Asian Law Caucus
David Booher, California Housing Council
Sue Hestor, Attorney at Law
Gary Hambly, Building Industry Association
Rolf Pendall, Bay Area Council
Revan A.F. Tranter, Association of Bay Area Governments
Kathleen Mikkelson, Deputy Attorney General
Bob Cervantes, Governor's Office of Planning and Research
Richard Lyon, California Building Industry Association
Kerry Harrington Morrison, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Christine D. Reed, Orange County Building Industry Association
Rob Wiener, California Coalition for Rural Housing

APPENDIX

City of Piedmont

The following changes would, in our opinion, bring Piedmont's housing element into compliance with Article 10.6 of the Government Code. Following each recommended change or addition, we refer to the applicable provision of the Government Code. Where particular program examples or data sources are listed, these are suggestions for your information only. We recognize that Piedmont may choose other means of complying with the law.

A. Review and Evaluation

The element should describe how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of a review of the prior element (65588(a)(1)).

According to the element, "The City implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to a lack of staff, alternate priorities, and lack of funding." To address issues identified with the City's program implementation deficiencies, the element indicates that the City is considering hiring additional planning staff, and it now includes various state and federal funds available to interested parties. The element also states that the City will "continue to include housing programs when prioritizing community issues to be addressed." However, the element does not include program actions to commit the City to apply for any federal or state funds, or to demonstrate that housing for all income levels will become a higher City priority.

With regard to City priorities, the City's land use policies continue to indicate that the City's priorities are for park-land and low-density residential development. For example, according to the element, "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land." Later, the element states, "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built." While these constraints are discussed in the element, the element does not incorporate program actions to address them.

The City's priorities are also of particular concern to us since, unfortunately, most of the programs which were not implemented were those which could have resulted in information or actions to identify additional housing sites or to provide affordable housing opportunities for first-time homebuyers, low- and moderate-income households, and elderly residents. Conversely, programs which were implemented included the establishment of a "...single family residential estate zone with a minimum lot size of 20,000 square feet..." and a second unit ordinance which limits second unit occupancy to "... gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service on-site..."

We note that our February 24, 1987 letter regarding our review of the City's draft second unit ordinance, stated, "In light of the need for elderly housing in Piedmont as described in the adopted housing element, facilitating the development of second units would enable the City to meet an identified need within the intent of the State second unit law." However, it appears that the second unit ordinance virtually precludes the use of second units to meet the City's need for affordable elderly housing.

B. Quantified Objectives

Establish the maximum number of housing units which can be rehabilitated and conserved during the planning period of the element (Section 65583(b)). The rehabilitation objective is the number of units expected to be rehabilitated during the time frame of the element. The conservation objective refers to the preservation of the existing affordable housing stock.

C. Programs

1. Identify adequate sites which will be made available through appropriate zoning and development standards to facilitate the development of a variety of types of housing for all income levels (Section 65583(c)(1)).

The land inventory appears to identify enough sites to address Piedmont's "total" regional share of new construction need. However, in our opinion, due to the low-density of the City's single-family zone (2-4 units per acre) it is unlikely that the City can accommodate its moderate-income need within this zone. Since the City's combined regional share of new construction need for low- and moderate-income households totals fifteen units and the City's multifamily zone only identifies

sites for eight units, a shortfall of sites for seven units exists.

In addition, considering the City's multifamily zone minimum density (8 units per acre), and its maximum density (20 units per acre), the element should demonstrate that a realistic potential exists for the development of multifamily sites at the maximum allowed density, and that the maximum allowed density is high enough to accommodate the City's projected need for lower-income households. The City could provide examples of recent multifamily developments affordable to lower-income households built at the maximum allowed density, include programs to encourage multifamily site development at the high end of the allowed density range, or, where existing densities are not adequate, include additional program actions along with increased densities to facilitate lower-income housing. Such programs could include fee waivers, the purchase of a site by the City for development of affordable housing, and relaxed parking requirements, where appropriate.

2. Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)). The element identifies a number of governmental constraints. Therefore, in our opinion, the element should also include program actions to mitigate or remove those constraints. Examples of constraints which should be mitigated or removed are listed below:
 - a. Page 29: "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land."
 - b. Page 30: "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.73, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built."
 - c. Page 33: "The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units."
 - d. Page 33: "In Zone C, multi-family units are conditionally permitted. Due to the perception

that affordable housing reduces property values, this provision could constrain the types of housing approved."

- e. Page 34: "Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing."

3. In our opinion, the element should more specifically describe the actions Piedmont will take to implement programs to ensure that the City can meet housing element program requirements (Section 65583(c)(1-5)). In light of the City's program implementation deficiencies during the previous planning period, the element's programs related to affordable housing opportunities should reflect a stronger commitment toward implementation. For example:

- a. Program A-1: What specific steps will the City take "to meet its fair share of housing as determined by ABAG?"
- b. Programs A-2 & A-3: In addition to assisting "all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households," does the City plan to apply for any of the federal and state funding sources listed?
- c. Programs A-6: How will the City "respond to parties interested in developing available sites for construction of senior housing units?"

D. Consistency with General Plan

Describe the means by which consistency will be achieved with other general plan elements (Section 65583(c)). While the element includes brief discussions of other elements of the general plan, and a program to provide for consistency between the General Plan and Zoning Ordinance, it is not clear whether the housing element is consistent with other elements of the general plan. If inconsistencies between elements exist, the housing element should describe how consistency will be achieved.

E. Public Participation

Describe how the City made a diligent effort, in developing the housing element, to achieve public participation of all

economic segments of the community (Section 65583(c)). The element indicates that a public workshop was held and an advisory committee was formed. However, the element should describe how the Citizens Advisory Committee on the Housing Element represented all economic segments of the community and what noticing steps, in addition to "State requirements and City standards," the City took to encourage public participation of all economic segments of the community?

APPENDIX B

PROPOSED CITY OF PIEDMONT
RESPONSE LETTER TO HCD

September __, 1991

Mr. Jeff Spano
Department of Housing and Community Development
Division of Housing Policy Development
1800 Third Street, Room 430
P.O. Box 952053
Sacramento, California 94252-2053

Dear Mr. Spano:

It is the opinion of the City of Piedmont that the Housing Element transmitted to you in April 1991 is in conformance with all requirements of State law, and further, that it has been accomplished with every intent to pursue an aggressive implementation of its programs.

In response to the Department of Housing and Community Development's review of the City of Piedmont's Draft Housing Element dated May 31, 1991, we would like to inform you that STA Planning, Inc. (STA) and the City of Piedmont have worked together to prepare responses to each of your concerns. Below we suggest refinements to the Element which have been considered by the Citizen's Advisory Committee, Planning Commission, and City Council. We believe that upon review of State law and incorporation of the refinements to the Piedmont Housing Element suggested herein, Piedmont will have an even more successful housing program. We have enclosed the Element as adopted by the City Council.

PREFACE

We would like to note that according to State housing element law (Government Code Section 65581), it was the intent of legislature:

1. To assure that Counties and Cities recognize their responsibilities to the attainment of the State housing goals;
2. To assure that Counties and Cities will prepare and implement housing elements which, along with federal state programs, will move toward attainment of the State housing goal;
3. To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal, provided such a determination is compatible with the State housing goals and regional housing needs; and [emphasis added]
4. To ensure that each local government cooperates with other local governments in order to address regional housing needs.

Mr. Jeff Spano
September __, 1991
Page 2

We believe that the revised Housing Element complies with the intent of State Housing Goals and will enable the City to make a good faith effort towards achieving State housing goals and regional housing needs.

All changes to the Draft Element are shown on following pages of this letter. Original information is indicated with a strikeout of the text, and modifications are shown in *bold italic* font.

COMMENT 1

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

The element should describe how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of a review of the prior element (65588(a)(1)).

According to the element, "The City implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to a lack of staff, alternate priorities, and lack of funding." To address issues identified with the City's program implementation deficiencies, the element indicates that the City is considering hiring additional planning staff, and it now includes various state and federal funds available to interested parties. The element also states that the City will "continue to include housing programs when prioritizing community issues to be addressed." However, the element does not include program actions to commit the City to apply for any federal or state funds, or to demonstrate that housing for all income levels will become a higher City priority.

RESPONSE 1

Several paragraphs from the Housing Element describe what has been learned and incorporate what has been learned through the review of the past Element:

Pages 43-44 of the Draft Element

A review of the information in Table X indicates that the City of Piedmont has implemented 9 of 15 identified programs (60 percent) over the past several years including preparation of a Zoning Ordinance and Map. Approximately 40 percent or 6 of 15 programs have not been implemented. Five of the six programs not implemented were studies.

The status of several programs was discussed with City staff members and elected decisionmakers. Attention was focused on key programs such as preparing a zoning ordinance, second unit ordinance, and participating in the Community Development Block Grant program with Alameda County. For the programs not implemented, lack of City staff time, alternate priorities, and lack of financing were cited as reasons for lack of implementation.

The Growth Management program was probably not adopted due to its limited applicability to the City of Piedmont, a built out community with limited vacant land and no areas for expansion.

The City Council sets priorities and funding sources. The areas studies since 1984 include the following major items:

1. Second Units
2. Zoning Ordinance Update
3. Application for CDBG funds
4. Turfed Facilities
5. Infrastructure Improvements (wastewater and sidewalks)
6. Residential Design Review Guidelines

To address the concerns related to lack of City staff time, the City is considering hiring additional planning staff. To address lack of funds, more funding sources are indicated in the Housing Element. In the past, the City Council has supported the housing programs from the 1984 Housing Element. It is anticipated that due to the growing state requirements related to Housing Elements, and housing development issues, the City will continue to include housing programs when prioritizing community issues to be addressed. [emphasis added]

Page 45 of the Draft Element

In order to facilitate housing development, several programs have been included in this Housing Element which will guide the City in its efforts to plan and develop housing according to community needs. The programs identify potential housing sites, provide suggested funding mechanisms, and remove governmental constraints. [emphasis added]

Since preparation of the Draft Element, an additional staff person has been hired to assist in planning matters. This action will be added to the discussion on page 44 of the Draft Element:

To address the concerns related to lack of City staff time, the City is ~~considering hiring~~ *has hired an* additional planning staff *member* . . .

In addition, it should be noted that the City's implementation of the CDBG program as a program from the 1984 Element did result in assistance to low-income families:

Page 41 of the Draft Element

Regarding housing, there have been 5 CDBG loan grant recipients since 1987 including:

- Four (4) minor home repair grant recipients.
- One (1) major rehabilitation loan recipient with a 15 year loan term. This loan term will expire subsequent to the year 2000. This unit is not a multi-family rental unit.

All recipients were low income according to the State definition. (City of Piedmont Records). The major loan was given to the owner-occupant of a single-family home. There are no assisted multi-family rental units at risk for conversion to market-rate units.

The City plans to continue participation in the CDBG program and to investigate other funding sources. The City is currently meeting with the County of Alameda and other jurisdictions in the County to prepare a joint application for the California Homeownership Assistance Program. In Piedmont, funds could be used to assist renters to purchase a dwelling unit or a share entitling occupancy for units converting to condominiums. This program is currently listed under Implementation Program A2 of the Housing Element.

As is stated in the description of each Implementation Program section, the Housing Element will be reviewed annually for progress. This will help ensure that housing programs will become a higher priority for the City.

In order to demonstrate the City's commitment towards applying for funds, Implementation Programs A2 and B2 will be modified (as well as all programs related to funding):

- A2. The City will assist all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households. ~~The City will make information available and/or direct interested parties to the appropriate agency.~~ *The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made*

regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program.

- B2. The City will designate a Housing Coordinator. Responsibilities of the Housing Coordinator shall include, but are not limited to, developing a pilot program to package housing incentives and funding sources aimed at developing affordable housing. *The City will also consider establishing a Task Force to assist the Housing Coordinator in implementing the Housing Element.*

COMMENT 2

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

With regard to the City's priorities, the City's land use policies continue to indicate that the City's priorities are for park-land and low-density residential development. For example, according to the element, "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 2

City decisionmakers and voter mandates have determined that it would be inappropriate to remove parks and recreational uses in favor of housing in densely developed urban areas. In addition to housing elements, State law requires the preparation of open space elements. The open space element must address parkland.

The Piedmont Housing Element reflects the City's efforts to comply with State law in protecting open space and parks. We are sure that you are not suggesting to develop urban housing units in place of existing parks in areas such as Piedmont. Most important is the fact that under the Piedmont Housing Element we can meet both the housing and recreation needs of our residents.

The City of Piedmont remains limited by the lack of available open space on which to build housing or develop grassland parks:

Page 8 of the Draft Element

Since 1960 the City has been essentially built out as indicated on Table B. The housing stock has not increased substantially since 1960. The 1984 Housing Element identified 60 vacant buildable lots. An inventory of vacant and underutilized land

conducted in May 1990 revealed approximately 13 sites, with 11 of the sites considered feasible for housing construction. The vacant land survey is discussed in further sections. [emphasis added]

Page 29 of the Draft Element

Recreational Facilities and Programs Element policies require adequate use of land for recreational facilities, and parks. According to the Element "a city of Piedmont's size (10,000 residents) should have 14 acres of grass play fields (Base Source: Purdue University, Guidelines for Evaluating Public Parks and Recreation)." However, the City had only 4.6 acres in 1984. Since 1984, approximately 0.5 acres have been developed with grass playfield uses. [emphasis added]

Element policies require 65-110 acres for developed parkland. Existing parkland in the City amounts to 38 acres. Including all open space run by the City, schools, and Oakland, open space totals 53 acres. Many of the policies have been or are in the process of being implemented. The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land. [emphasis added]

Since the 1984 General Plan, a Turfed Facilities Task Force has studied potential recreation uses in the Moraga Canyon area. No consensus has been reached on use of the property (Task Force Meeting Minutes 1990)

Page 41 of the Draft Element

Table W presents a 1990 estimate of vacant land suitable for residential development. All vacant and underdeveloped properties deemed suitable for residential development were assessed. Two properties designated for open space or public use by the General Plan were rejected from consideration. Appendix B contains the survey of vacant and underutilized properties as well as sites rejected from consideration. Land is available to meet the City's total construction needs. [emphasis added]

The City of Piedmont is attempting to balance several needs of the community. Needs of the community include parks as well as housing. In general, parks and housing compete for the same available land. However, the City has identified adequate sites which are currently designated for residential uses. None of the adequate sites are proposed for park uses. Housing proposed on these particular sites will not "compete" with parks. Land is available to meet the City's total construction needs as indicated on page 41 of the Draft Element.

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It should also be noted that Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

The City, like other jurisdictions, is located in the inner Bay Area where limited land is left for urban development or open space uses. The City, through this ambitious 1991 Housing Element, will ensure that housing is a priority. (Refer to Response 1). An annual review of the Element as required will aid in prioritizing housing issues.

COMMENT 3

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Later the element states, "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built." While these constraints are discussed in the element, the element does not incorporate program actions to address them.

RESPONSE 3

The Housing Element describes the policies promoting affordable multiple dwellings through density bonus provisions, zoning ordinance, amendments, adaptive reuse, and mixed uses for several sites.

Page 60, Draft Element

Implementation Program D2 describes the proposed density bonus ordinance:

The City will create a separate implementing ordinance or amend the Zoning Ordinance to permit the granting of residential density use bonuses or other incentives for very low and/or low income developments in order to comply with Governmental Code Sections 65915 and 65917.

In addition, Implementation Program B1 on page 57 of the Draft Element describes adaptive re-use and mixed uses for specific sites.

In order to demonstrate the City's commitment towards providing affordable multiple dwellings, the City will insert the following Implementation Program.

The City will conduct a study of all existing multi-family developments to ascertain existing densities. Recommendations related to density standards for future multi-family units will be made. The City will seriously consider revising the Zoning Code to allow multiple dwellings to be developed at one dwelling unit per less than 2,000 s.f. of lot area.

The City will also add the following language to Implementation Program B1 on page 57:

1. Through the Municipal Code, the City will continue to allow residential units in commercial districts. Particular emphasis will be placed on senior housing. In addition, the City will ~~consider~~ *conduct studies by December 1992 which will make specific recommendations related to* general plan redesignation, code amendments, adaptive re-use, mixed-use zoning, and density increases or other incentives for the following:

- Grand Avenue Commercial
- PG&E Storage Building Site
- Maxwellton Property

The City will offer other incentives as appropriate to the site: fee waivers, parking standard modifications, and others deemed appropriate in the proposed study. Findings of the study shall be presented to the City Council for implementation within 6 months of study completion.

The Grand Avenue Commercial area consists of several underutilized properties which could support mixed use developments. Redesignation to mixed uses will be considered as part of the analysis proposed in Implementing Program B1.

The PG&E substation building site will be considered for adaptive re-use. The City will consider mediation or negotiation to purchase or help assist a non-profit organization to purchase or lease the site. Since the site is utilized as a "laydown" area for PG&E operations in the Piedmont and Oakland area, the City is willing to meet with PG&E representatives to discuss the use of other areas in the City for a "laydown area." One such area could be the City's Corporation Yard.

The Maxwellton site would be appropriate for a multi-family, townhouse, or condominium development. The market rate units could support some below market rate units in the same proposed development. The City will consider redesignation and density increases as

appropriate. As another incentive, the City owns the access easement to this property as indicated in Appendix B of the Housing Element.

In sum, the City plans to prepare a density bonus implementing ordinance, to study and amend the Zoning Ordinance, and to investigate and offer additional incentives for several sites in Piedmont.

COMMENT 4

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comments:

The City's priorities are also of particular concern to us since, unfortunately, most of the programs which were not implemented were those which could have resulted in information or actions to identify additional housing sites or to provide affordable housing opportunities for first-time homebuyers, low- and moderate-income households, and elderly residents. Conversely, programs which were implemented included the establishment of a ". . . single family residential estate zone with a minimum lot size of 20,000 square feet. . .," and a second unit ordinance which limits second unit occupancy to ". . . gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite. . ."

We note that our February 24, 1987 letter regarding our review of the City's draft second unit ordinance, stated, "In light of the need for elderly housing in Piedmont as described in the adopted housing element, facilitating the development of second units would enable the City to meet an identified need within the intent of the State second unit law." However, it appears that the second unit ordinance virtually precludes the use of second units to meet the City's need for affordable elderly housing.

RESPONSE 4

The City's use of CDBG funds as proposed in the 1984 Housing Element has resulted in the assistance of low-income families making home repairs. This has been discussed above.

The City will offer several incentives to encourage affordable housing and will also study and revise the minimum square foot requirement in the Multi-Family Zone.

Several paragraphs on Chapter 17D from the Draft Element discuss "second units":

Page 34 of the Draft Element

Chapter 17D regulates the use and development of second units. Second units are known as in-law apartments, granny flats, and accessory apartments. By definition a second unit is ". . . an additional residential unit on the same lot which provides complete independent living facilities for one or more person" (HCD March 1989). They offer a source of relatively affordable housing within a community. A community may ease a rental housing deficit with second units. They, in some instances, can enable the elderly to extend independent living time.

If a local government does not wish to use State criteria for second units, the locality can adopt their own second unit ordinance. Piedmont's Second Unit Ordinance was adopted in 1988 by the City Council. The ordinance distinguishes between two types of units:

- 17.D.1(a) "Second dwelling unit" is one or more living, sleeping and other rooms contained in an existing structure or on the same parcel of land, containing a kitchen, and sanitary facilities, and used as a self-contained residence for consideration by a person or persons not members of the owner's immediate family. The second dwelling unit and the primary residence unit must be under the same ownership.
- 17.D.1(c) "Separate living quarters" is a dwelling unit which would be a "second dwelling unit" as defined in 17D.1(a) except that:
 - (1) No rent or consideration is given; or
 - (2) The unit is occupied by gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite for a single employer and such employees have not other employment and are taking no more than six units per quarter or semester at a bona fide institution of higher learning.

As indicated above, a Separate Living Quarter is defined by either of two criteria:

- (1) No rent or consideration is given; or
- (2) The unit is occupied by gardeners, butlers, maids, etc.

Criteria #1 would not preclude use of a Separate Living Quarter by family members. In addition, twenty-nine second units are exempt from the City's Second Unit Ordinance. Elderly persons or other persons could reside there. Please refer to page 34 of the Draft Element.

The City has indicated its commitment to study and revise the ordinance as necessary through Implementation Program D3:

The City will review the second unit ordinance. The registration period for second units may be extended from 1991 to 1994 to coincide with the next mandated Housing Element Update for 1995. The City Council will establish a Citizen's Committee to study the second unit issue in more detail.

COMMENT 5

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Establish the maximum number of housing units which can be rehabilitated and conserved during the planning period of the element (Section 65583(b)). The rehabilitation objective is the number of units expected to be rehabilitated during the time frame of the element. The conservation objective refers to the preservation of the existing affordable housing stock.

RESPONSE 5

The rehabilitation objective is zero. The Draft Element has not identified any serious housing condition problems:

Page 22 of the Draft Element:

In Piedmont, the age of the housing stock may not present a true picture of the general condition of housing. Most homes are well-built and exceptionally well-maintained, and many homes have been renovated or extensively remodeled over the years.

Few units are in disrepair. Alameda County has notified the City of one home needing minor repairs. Some problems do exist, but none are considered to have any potential threats to occupant health or safety.

As discussed above, the City has granted five rehabilitation loans utilizing CDBG funds to low-income families. The number of units needing rehabilitation is estimated to be zero.

No existing assisted affordable developments are located within the City. Please refer to page 41 of the Draft Element. The conservation objective is estimated to be zero. Occupant income information related to the existing "exempt" second units (described on page 34 of the Draft Element) is unavailable. It cannot be determined whether they are rented at affordable levels.

The following table will be added to the Element:

TABLE Z
HOUSING OBJECTIVES

<i>TYPE</i>	<i>OBJECTIVE</i>
<i>New Construction</i>	<i>Very Low Income</i> 6 d.u.'s <i>Low Income</i> 4 d.u.'s <i>Moderate Income</i> 5 d.u.'s <i>Above Moderate Income</i> 14 d.u.'s <i>Total</i> 29 d.u.'s
<i>Rehabilitation</i>	<i>Zero (0)</i>
<i>Conservation</i>	<i>Zero (0)</i>

Source: STA Planning, Inc.

Note: d.u. = dwelling unit

COMMENT 6

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Identify adequate sites which will be made available through appropriate zoning and development standards to facilitate the development of a variety of types of housing for all income levels (Section 65583(c)(1)). The land inventory appears to identify enough sites to address Piedmont's "total" regional share of new construction need. However, in our opinion, due to the low-density of the City's single-family zone (2-4 units per acre) it is unlikely that the City can accommodate its moderate-income need within this zone. Since the City's combined regional share of new construction need for low- and moderate-income households totals fifteen units and the City's multi-family zone only identifies sites for eight units, a shortfall of sites for seven units exists.

In addition, considering the City's multi-family zone minimum density (8 units per acre), and its maximum density (20 units per acre), the element should demonstrate that a realistic potential exists for the development of multi-family sites at the maximum allowed density, and that the maximum allowed density is high enough to accommodate the City's projected need for lower-income households. The City could provide examples of recent multi-family developments affordable to lower-income households built at the maximum allowed density, include programs to encourage multi-family site development at the high end of the allowed density range, or, where existing densities are not adequate, include additional program actions along with increased densities to facilitate lower-income housing. Such programs could include fee waivers, the purchase of a site by the City for development of affordable housing, and relaxed parking requirements, where appropriate.

RESPONSE 6

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 7

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)). The element identifies a number of governmental constraints. Therefore, in our opinion, the element should also include program actions to mitigate or remove those constraints. Examples of constraints which should be mitigated or removed are listed below:

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- a. Page 29: "The parkland policy result in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 7

Please refer to Response 2 of this letter which discusses parks and housing.

COMMENT 8

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- b. Page 30: "Multiple dwellings cannot exceed one dwelling units per each 2,000 square feet of lot area, (Chapter 17.73, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built."

RESPONSE 8

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 9

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- c. Page 33: "The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units."

RESPONSE 9

It is important to note that the City has granted variances to the Zoning Ordinance in the past. This is discussed on page 36 of the Draft Element. The Ordinance will be reviewed and revised to modify the height requirement. The City will add the following Implementation Program to the Housing Element:

The City will seriously consider revising the Zoning Ordinance related to multi-family uses to allow a maximum height of 50 feet instead of 35 feet for low and moderate income developments.

The location of the PG&E substation building next to the Oakland Avenue bridge would possibly be an area where an increase in height would not present aesthetic constraints.

COMMENT 10

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- d. "In Zone C, multi-family units are conditionally permitted. Due to the perception that affordable housing reduces property values, this provision could constrain the types of housing approved."

RESPONSES 10

The City will study and revise the Zoning Ordinance to make multi-family uses permitted in the multi-family zone. The following program will be added:

The City will seriously consider revising the Zoning Ordinance to make multi-family uses permitted in the Multi-Family Zone.

COMMENT 11

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- e. Page 34: "Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing."

RESPONSE 11

The constraint cannot be removed. It is a City charter provision. It is well beyond the authority of the State related to Housing Elements to require an amendment to the City Charter. This voting procedure has been in place since the City's incorporation.

Further Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

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Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

More importantly, under current zoning, the City has adequate capacities to meet construction needs. With the inclusion of other incentives described previously, a good faith effort will be made to achieve objectives.

COMMENT 12

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

In our opinion, the element should more specifically describe the actions Piedmont will take to implement programs to ensure that the City can meet housing element program requirements (Section 65583(c)(1-5)). In light of the City's program implementation deficiencies during the previous planning period, the element's programs related to affordable housing opportunities should reflect a stronger commitment toward implementation. For example:

Program A-1: What specific steps will the City take "to meet its fair share of housing as determined by ABAG?"

RESPONSE 12

The purpose of Implementation Program A1 is to establish the City's housing objectives. All other programs under Goals A, B, and D will help ensure new construction goals are pursued.

COMMENT 13

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-2 & A-3: In addition to assisting "all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households," does the City plan to apply for any of the federal and state funding sources listed?

RESPONSE 13

Refer to Response 1 of this letter regarding funding sources.

COMMENT 14

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-6: How will the City "respond to parties interested in developing available sites for construction of senior housing units?"

RESPONSE 14

The City will implement funding mechanisms and remove governmental constraints as indicated in Programs A2, A3, A4, B1, B2, D2, and D3.

COMMENT 15

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe the means by which consistency will be achieved with other general plan elements (Section 65583(c)). While the element includes brief discussions of other elements of the general plan, and a program to provide for consistency between the General Plan and Zoning Ordinance, it is not clear whether the housing element is consistent with other elements of the general plan. If inconsistencies between elements exist, the housing element should describe how consistency will be achieved.

RESPONSE 15

No inconsistencies have been found between the Housing Element and other General Plan Elements except for the Land Use Element. Given information related to past accomplishments of the Housing Element and especially physical and environmental constraints, two policies will be removed from the Land Use Element. Please refer to page 28 of the Draft Element for additional discussion. The following modification will be made:

Page 60, Item D7 of the Draft Housing Element

The City will provide for consistency between the General Plan *Elements and between the General Plan* and Zoning Ordinance *through amendments. All zoning amendments*

suggested in the Housing Element programs are designed to provide further incentives for housing development. Residential uses shall not be permitted on City-owned property designated *in the General Plan* for Open Space or Public/Quasi-Public uses. Policies and programs from the Land Use Element which have been determined to be infeasible and not based on sound planning and environmental principles will be removed, including:

- The preparation of a Planned Unit Development Ordinance
- Possibility of housing on Blair Park or the Corporation Yard

COMMENT 16

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe how the City made a diligent effort, in developing the housing element, to achieve public participation of all economic segments of the community (Section 65583(c)). The element indicates that a public workshop was held and an advisory committee was formed. However, the element should describe how the citizens Advisory Committee on the Housing Element represented all economic segments of the community and what noticing steps, in addition to "State requirements and City standards," the City took to encourage public participation of all economic segments of the Community?

RESPONSE 16

Public participation is addressed on page 43 and in Appendix A to the Draft Element.

Page 43 of the Draft Element

On June 28, 1990, the City held a public workshop to solicit comments on the Housing Element Update. Notice of the Public Workshop was accomplished in accordance with State requirements and City standards. A copy of the meeting agenda and all comments from citizens are contained in Appendix A. In September 1990, a Citizens Advisory Committee on the Housing Element was formed under the guidance of the City Council. Four Advisory Committee Meetings were held in September and December 1990. Public hearings were scheduled and took place in February and April 1991.

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More discussion will be added to page 43:

The City advertised for positions on the Advisory Committee in The Piedmonter. It is a local newspaper subscribed to by a large number of citizens in Piedmont who rely on it for publication of notices, etc. Applications were reviewed by the City Council. Considerations in the review were commitment, geographic location of the prospective member (to ensure that all areas of the City were represented), variety of background/expertise, and other considerations. Announcements of the public workshop and several Advisory Committee meetings and hearings were announced in The Piedmonter. Meeting information was also posted at City Hall.

SUMMARY

We feel strongly that the Piedmont Housing Element is in compliance with State housing law. The proposed refinements suggested in this letter will provide an even more effective element. Thank you for your comments and assistance in the revision of the Housing Element. Please feel free to contact me at (415) 420-3040 or Lisa Grueter of STA Planning, Inc. at (415) 296-7760, should you have any questions.

Sincerely,

CITY OF PIEDMONT

Geoff Grote
City Administrator

GG:LG:DG:rc

ATTACHMENT C

NEGATIVE DECLARATION/INITIAL STUDY

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CALIFORNIA 94611

NEGATIVE DECLARATION

In accordance with the California Environmental Quality Act, the City of Piedmont has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment and on the basis of that study hereby finds:



The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report.



Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the Mitigation Measures described in the Initial Study have been added to the project. An Environmental Impact Report is therefore not required.

The environmental documents which constitute the Initial Study and provide the basis and reasons for this determination are attached and hereby made a part of this document.

PROJECT:

Title: Housing Element Update
Location: City of Piedmont City Limits
Description: Update of the 1984 Housing Element
Project Proponent: City of Piedmont
Division/Department
Responsible for the Proposed Project: Public Works Department
Contact Person: Lori Salamack, City Planner Telephone: (415) 420-3050

NOTICE:

This document and supporting attachments are provided for review by the general public. This is an informational document about environmental effects only. Supplemental information is on file and may be reviewed in the office listed above. The decision-making body will review this document and potentially many other sources of information before considering the proposed project.

This Negative Declaration may become final unless written comments or an appeal is received by the office listed above by 5 p.m. on September 5, 1991. If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

Dated: 8/1/91 Lori Salamack

PROJECT DESCRIPTION

PROJECT LOCATION

The City of Piedmont is located in Alameda County. The City is less than 2 square miles surrounded on all sides by the City of Oakland. It is located approximately 6 miles south-east of Berkeley, and approximately 12 miles northeast of San Francisco. Exhibit 1 provides an illustration of the City's location relative to other cities and highways.

For planning purposes the Study Area includes the City limits of Piedmont. Through the organized incorporation of Oakland, Piedmont and its boundaries were formed. These boundaries constitute the existing City limits and the Planning Area boundary for the Housing Element. Exhibit 2 presents a USGS Map that indicates the City limits.

Piedmont became an independent municipality in 1907. In 1909, Oakland annexed all of its surrounding acreage north and east of Piedmont making common boundaries of the two municipalities.

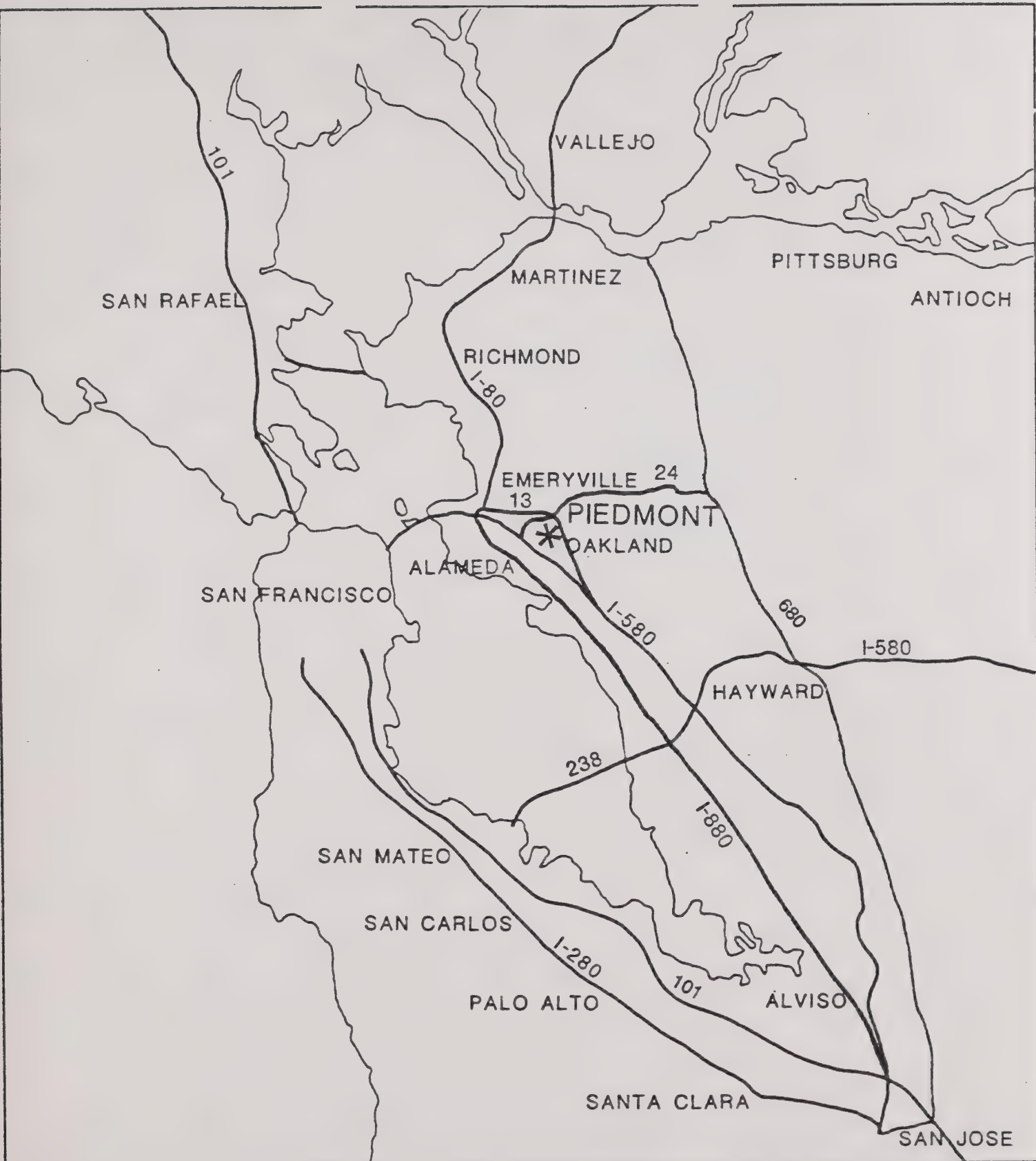
PROJECT CHARACTERISTICS

The proposed project is a Housing Element Update of the current Housing Element of the City of Piedmont adopted November 1984. To comply with State requirements an updated Housing Element is required every five years. Of particular importance is the review of the accomplishments of the previous Housing Element.

The current Housing Element Update has been revised to ensure it includes the following major components:


- An identification of existing and projected housing needs and constraints.
- A statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing.
- An identification of adequate sites for a variety of housing types, as appropriate.

According to the City's fair share housing allocation, twenty-nine units at various income levels need to be developed in order to improve the affordability and the availability of housing in the City and the Bay Area. The Housing Element Update has indicated the capacity for 36 to 45 dwelling units on identified adequate sites. Programs are provided which would amend the City's General Plan and Municipal Code.



Source: STA Planning, Inc.

REGIONAL LOCATION MAP
HOUSING ELEMENT UPDATE
City of Piedmont

STA inc. 
1" = approx.
6 miles
Exhibit 1



Source: USGS Maps-Oakland East and West

USGS MAP

HOUSING ELEMENT UPDATE
City of Piedmont

STA inc.

0 2000'



Exhibit 2

REQUIRED DISCRETIONARY ACTIONS

The following section describes discretionary actions that are required for project approval. For all actions, approval is granted by the lead agency, the City of Piedmont.

1. **Certification of the Negative Declaration.** Acceptance of an environmental document as having been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the City of Piedmont CEQA Guidelines, and certification that the data was considered in final decisions on the project.
2. **Adoption of the Housing Element.** Adoption of the Housing Element Update by the City of Piedmont.

PROJECT HISTORY

In November 1984, the City of Piedmont adopted the current Housing Element. In response to state requirements, the Housing Element Update process was initiated in May 1990. The state requires updates of housing elements every five years.

PROJECT OBJECTIVES

1. Establish within the City the ability to analyze local and regional housing needs in order to respond effectively to the housing problems and opportunities facing the community;
2. Identify the community's housing goals;
3. Identify programs and opportunity sites for the development of housing.

LEAD AND RESPONSIBLE/TRUSTEE AGENCIES

Lead Agency

The project sponsor and applicant is the City of Piedmont. In conformance with Sections 15052 and 15367 of the State CEQA Guidelines, the City of Piedmont has been designated as the "lead agency" which is defined as the "public agency which has the principal responsibility for carrying out or disapproving a project." The Lead Agency contact is:

City of Piedmont

Lori Salamack
City Planner
City of Piedmont
120 Vista Ave.
Piedmont, CA 94611
(415) 420-3050

Possible Responsible /Trustee Agencies

Responsible Agencies are public agencies other than the Lead Agency which have discretionary approval power over the project. Trustee Agencies are State agencies having discretionary approval or jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Although it lacks discretionary approval, the State of California Housing and Community Development Department will review the Housing Element. The following responsible/trustee agencies may have discretionary approvals over the Housing Element or future projects proposed under the Element.

California Department of Housing and
Community Development
921 Tenth Street
Sacramento, CA 95814

California Department of Conservation
Division of Mines and Geology
1416 Ninth Street, Room 1326-2
Sacramento, California 95814

California Department of Fish and Game
P.O. Box 47
Yountville, California 94599

INITIAL STUDY

INTRODUCTION

An Initial Study is a preliminary analysis of a proposed project prepared by the lead agency to determine whether an EIR or negative declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR (CEQA Guidelines Sec. 15365). In accordance with CEQA Guidelines, a checklist has been prepared which identifies potential environmental effects.

ENVIRONMENTAL PROCEDURES

Based on issues defined in the following Initial Study, a Negative Declaration has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code, Section 21000, et seq.) and the State Guidelines for Implementation of the California Environmental Quality Act of 1970 as amended (California Administrative Code Section 15000, et seq.). This report complies with the rules, regulations, and procedures for implementation of the California Environmental Quality Act adopted by the City of Piedmont.

The Negative Declaration is part of a tiering process as defined in CEQA Guidelines Section 15152. Tiering is an effort to focus on the environmental issues which are relevant to the approval being considered. It is anticipated that future approvals related to the proposed Housing Element will be able to utilize the information set forth in this Initial Study and Negative Declaration. The tiering process involves a series of approvals moving from the general to the specific with later EIR's/Mitigated Negative Declarations omitting issues fully addressed at earlier stages.

If a proposed activity (e.g., a future housing development of several units) is defined as a "project" under CEQA, a Negative Declaration, Mitigated Negative Declaration, or EIR may be required. A "project" means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or indirectly, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
- (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

- (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (CEQA Guidelines, Section 15378)

Some activities are categorically exempt from CEQA (for further reference, consult the CEQA Guidelines Section 15300 et seq.)

The tiering approach recognizes that not all effects can be addressed fully at each step of the CEQA process. There are some effects for which full evaluation and mitigation would not be feasible. A Lead Agency may then defer analysis and/or mitigation pertaining to site specific effects to a later step.

Since a housing element is comprehensive and general, the proper level of environmental analysis is also general. As specific components of the revised Housing Element are proposed (e.g. adequate housing sites are proposed for development), more specific environmental analysis will be required. Any deferred mitigation will be included in later project-specific environmental analysis.

To ensure that mitigation proposed in the Initial Study will be implemented, a Mitigation Monitoring Program will be prepared. A Mitigation Monitoring Program is required by Section 21081.6 of the Public Resources Code. Its purpose is to ensure monitoring and compliance of mitigation measures imposed on development projects to reduce or eliminate significant detrimental project-related impacts to the environment.

Existing City Policies and Requirements that mitigate impacts will be considered mitigation measures for the purposes of the Initial Study and Negative Declaration. They will be included in the Mitigation Monitoring program and will be applied to every development project submitted for discretionary approvals.

INITIAL STUDY FORMAT

The following Initial Study checklist indicates with a "yes," "maybe," or "no" whether a specified impact will occur, may occur, or will not occur. For each answer, a narrative description of environmental impacts is provided in Attachment A, Initial Study Checklist Responses section. A summary of initial study conclusions is provided in Attachment B.

ENVIRONMENTAL CHECKLIST FORM

Background

1. Name of Proponent City of Piedmont
2. Date of Checklist Submittal August 2, 1991
3. Agency Requiring Checklist City of Piedmont Public Works Department
4. Name of Proposal, if applicable Housing Element Update

Environmental Impacts

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-----------|
| 1. Earth. Will the proposal result in: | | | |
| a. Unstable earth conditions or in changes geologic substructures? | — | <u>X</u> | — |
| b. Disruptions, displacements, compaction or overcovering of the soil? | <u>X</u> | — | — |
| c. Change in topography or ground surface relief features? | — | <u>X</u> | — |
| d. The destruction, covering or modification of any unique geologic or physical features? | — | <u>X</u> | — |
| e. Any increase in wind or water erosion of soils, either on or off the site? | — | <u>X</u> | — |
| f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? | — | <u>X</u> | — |
| g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <u>X</u> | — | — |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	—	<u>X</u>	—
b. The creation of objectionable odors?	—	—	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	—	—	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<u>X</u>	—	—
c. Alterations to the course or flow of flood waters?	—	<u>X</u>	—
d. Change in the amount of surface water in any water body?	—	—	<u>X</u>
e. Discharge into surface waters, or in any alterations of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	<u>X</u>	—
f. Alteration of the direction or rate of flow of ground waters?	—	<u>X</u>	—
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	—	<u>X</u>	—
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	—	<u>X</u>	—
b. Reduction of the numbers of any unique, rare, or endangered species of plants?	—	<u>X</u>	—
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	<u>X</u>	—
d. Reduction in acreage of any agricultural crop?	—	—	<u>X</u>
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	—	<u>X</u>	—
b. Reduction of the numbers of any unique, rare or endangered species of animals?	—	<u>X</u>	—
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	<u>X</u>	—
d. Deterioration to existing fish or wildlife habitat?	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?	<u>X</u>	—	—
b. Exposure of people to severe noise levels?	—	<u>X</u>	—
7. Light and Glare. Will the proposal produce new light or glare?	<u>X</u>	—	—
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	<u>X</u>	—	—
9. Natural Resources. Will the proposal result in an increase in the rate of use of any natural resources?	—	—	<u>X</u>
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	<u>X</u>	—
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	<u>X</u>
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	<u>X</u>	—	—
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	<u>X</u>
b. Effects on existing parking facilities, or demand for new parking?	<u>X</u>	—	—
c. Substantial impact upon existing transportation systems?	—	<u>X</u>	—
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	<u>X</u>	—
e. Alterations to waterborne, rail or air traffic?	—	—	<u>X</u>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	—	<u>X</u>	—
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	<u>X</u>	—	—
b. Police protection?	<u>X</u>	—	—
c. Schools?	<u>X</u>	—	—
d. Parks or other recreational facilities?	<u>X</u>	—	—
e. Maintenance of public facilities, including roads?	<u>X</u>	—	—
f. Other governmental services?	<u>X</u>	—	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	—	—	<u>X</u>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	—	—	<u>X</u>
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Water?	—	—	<u>X</u>
b. Sewer?	<u>X</u>	—	—
c. Storm Drains?	<u>X</u>	—	—
d. Telephone?	—	—	<u>X</u>
e. Gas?	—	—	<u>X</u>
f. Electricity?	—	—	<u>X</u>
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	<u>X</u>	—
b. Exposure of people to potential health hazards?	—	<u>X</u>	—
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	<u>X</u>	—
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	<u>X</u>	___
b. Will the proposal result in adverse physical or aesthetic effects of a prehistoric or historic building, structure, or object?	___	<u>X</u>	___
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	<u>X</u>	___
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	<u>X</u>	___
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<u>X</u>	___	___
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).	___	<u>X</u>	___

Yes Maybe

No

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant). X — —

- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? — X —

Discussion of Environmental Evaluation

See Attachment A.

IV. Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. —

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED. X

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. —

Date

8/1/91

Signature

For

Ron Salamack
City of Piedmont

ATTACHMENT A ENVIRONMENTAL CHECKLIST RESPONSES

1. EARTH

1a - 1g

Implementation of the Housing Element programs will result in the development of residential units. Construction of these units may result in unstable earth conditions or in changes to geologic substructures. Potential impact areas include sites determined adequate for residential uses.

Development of proposed residential uses will disrupt, displace, compact, or cause overcovering of soils. Grading will be required to construct residential uses. Grading may change existing topography or ground surface relief features or modify unique geologic or physical features.

Construction of proposed land uses may increase soil erosion by earthwork and other construction activities. Construction activities may result in short-term siltation impacts to creeks and waterways.

Several earthquake faults are located in the San Francisco Bay Area and in adjacent counties near the City of Piedmont. Although Piedmont lies very close to the seismically active Hayward fault (within 1/4 mile), no active faults run through the City. Moderate-sized earthquake events would be capable of producing a substantial amount of damage. (City of Piedmont, 1984 General Plan).

The City of Piedmont General Plan has identified two areas in the City as having the potential for liquefaction. An earthquake would increase chances of liquefaction.

The risk of landslides in Piedmont is estimated to be low to moderate. (Piedmont General Plan, 1984).

The development of additional residential uses would expose persons as well as property to geologic hazards noted above.

Future residential uses shall comply with the following policies, implementation programs, and mitigation measures to reduce impacts:

Environmental Hazards Element¹

- I. The City will require all public buildings and privately-owned but publicly-used structures to be surveyed for seismic deficiencies.
- P. The City shall not permit construction on known faults and/or active landslides; however, a building permit may be issued, at the discretion of the City, if the slide is stabilized on the basis of a soils and geological investigation prepared by a qualified engineer and at the expense of the owner.
- P. On land which is thought to have a potentially high risk of fault displacement, slope instability, liquefaction, differential settlement, and/or flooding, the City shall permit construction only if the owner, at his own expense, can establish through soils and geology investigation prepared by a qualified engineer that a structure can be located there without danger to life or property.

Mitigation Measures

- MM1. Geotechnical reports shall be prepared by a qualified Engineering Geologist and submitted to the Department of Public Works at the time of review of grading plans. Construction and grading of any site shall be in conformance with the recommendations of the report.
- MM2. Specific methods for mitigating potential hazards related to slope stability, problematic soil conditions, seismicity, groundwater, and rippability shall be assessed and recommended by a qualified Engineering Geologist. The applicant shall incorporate all recommendations into the grading and development plans for the project. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.
- MM3. Geotechnical reports shall establish appropriate project foundation design parameters to avoid hazards related to liquefaction and expansive/compressible soils. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.
- MM4. A grading plan shall include a complete plan for temporary and permanent drainage facilities to minimize any potential impacts from silt, debris, and

¹Throughout the initial study an "I" indicates that the measure is an implementation program of the City's General Plan. A "P" indicates that the measure is a policy of the City. MM indicates a proposed mitigation measure.

other water pollutants. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.

2. AIR

2a - 2c

Development of the proposed residential uses may create a small amount of air emissions. Land uses will generate an insignificant amount of vehicular emissions.

The proposed project may result in a short-term increase in dust and other suspended particulates both at the site of any construction and downwind. Emissions, dust, and particulates will not contribute substantially to the deterioration of Piedmont's ambient air quality. Mitigation measures below will reduce short-term air quality impacts to a level of insignificance. Proposed residential uses will not create objectionable odors.

The development proposed under the Housing Element is not anticipated to have a significant effect upon air movement, moisture or temperature, or result in any change in climate locally or regionally.

Future residential projects shall comply with the following mitigation measures:

Mitigation Measures

- MM5. The applicant shall ensure that fugitive dust emissions during construction are minimized by watering the site for dust control and periodically washing adjacent streets to remove accumulated material. Compliance with this measure shall be monitored by the Public Works Department.
- MM6. Grading and other soil disturbance shall be terminated by the applicant when wind speeds reach threshold levels that can carry dust and sand for great distances (about 25 mph). Compliance with this measure shall be monitored by the Public Works Department.
- MM7. Prior to the issuance of any grading permits, a method of control to prevent dust and windblown earth problems shall be submitted by the applicant to the City and approved by the Director of Public Works.

3. WATER

3a - 3i

Construction of residences is not anticipated to change any fresh surface water currents, amounts or the course of direction of water movements.

Additional residential development will increase the amount of impervious surfaces, changing absorption rates and drainage patterns. Surface run-off will increase. Increased run-off may increase storm drain water flow.

Seiches, earthquake-generated waves within enclosed bodies of water, may affect future housing development. There are three reservoirs in or around the City which may pose a threat in the event of an earthquake (City of Piedmont 1984 General Plan). Housing proposed near flood paths would expose persons or property to flooding.

Erosion from construction activities may increase siltation in creeks and waterways. Increased siltation may alter surface water quality. Mitigation measures will reduce these impacts to a level of insignificance.

Additional residential development may alter the direction or flow of ground waters. Implementation of residential uses is not anticipated to increase the withdrawal of ground water. Homes in Piedmont are supplied through a public water supply. This is discussed under the Utilities section.

Future projects proposed under the General Plan Housing Element shall comply with Mitigation Measure 2 and the following implementation programs, policies, and mitigation measures to reduce water impacts:

Environmental Hazards Element

- I. Pending state acceptance of the East Bay Municipal Utility District's study of flooding hazards, the City shall carefully evaluate, and if necessary prohibit, construction of structures for commercial and other high density uses in areas that may be susceptible to flooding.
- P. On land which is thought to have a potentially high risk of fault displacement, slope instability, liquefaction, differential settlement, and/or flooding, the City shall permit construction only if the owner, at his own expense, can establish through soils and geologic investigation prepared by a qualified engineer that a structure can be located there without danger to life or property.

Mitigation Measures

- MM8. Grading plans prepared by applicants shall include an erosion, siltation, and dust control plan to be approved by the Director of Public Works. The plan shall include provisions for measures such as immediate planting of vegetation on all exposed slopes, temporary sedimentation basins and sandbagging, if necessary, and watering and compaction programs. The plan shall ensure that discharge of surface runoff from the project during construction activities will not result in increased erosion or siltation immediately downstream of the property.
- MM9. A berm or swale shall be constructed by the applicant along the perimeters at construction site areas where feasible and remain in place through the entire length of the construction period. This shall prevent offsite stormwater runoff from flowing onto the construction site. This shall be done to the satisfaction of the Public Works Department.
- MM10. The applicant shall ensure that a temporary sediment basin is located at the point of greatest runoff from any construction site. It shall consist of an embankment of compacted soil across a drainageway. The basin shall not be located in an area where its failure would lead to a loss of life or the loss of service of public utilities or roads. This shall be done to the satisfaction of the Public Works Department.
- MM11. To control for erosion problems from runoff on or below slopes, slope drains or chutes and flumes shall be installed by the applicant on the slope to safely carry concentrated stormwater flows. This shall be done to the satisfaction of the Public Works Department.

4. PLANT LIFE

4a - 4d

The implementation of proposed Housing Element programs will result in home construction. Development may change the diversity of plant species or the number of species on non-infill sites such as in the Moraga Canyon area. A Natural Diversity Data Base (NDDDB) analysis of the location and condition of rare and threatened plants and natural communities was collected by the Department of Fish and Game for the Piedmont area. The data base uses the following methodology: all species inventoried are officially listed (state and federal) endangered, rare, and threatened plants, plus those considered by the scientific community to be deserving of such listing. Although the data base report does not constitute an official review of a project under CEQA by the Department of Fish and Game, it does recommend areas in which further studies should be conducted.

The report identified no sensitive plant species within the City of Piedmont. Several species of concern were found in surrounding communities.

Given the disturbed nature of the remaining sites in Piedmont, it is unlikely that any species of concern would be present. To confirm this analysis future residential projects proposed on non-infill sites (e.g. Maxwellton Property) should be analyzed for the possibility of rare, endangered, or threatened plant life.

Landscaping associated with new development may introduce new species of plants into the Study Area. New development and landscaping may result in a barrier to the replenishment of existing species.

Development will not reduce any agricultural production since none exists within the City.

To avoid any potential impacts to plant life, the following mitigation measure is proposed.

MM12. Prior to the issuance of grading and/or building permits, a qualified botanist or Fish and Game representative shall be hired by the applicant to conduct a study and inform developer of the results of the study. In addition, the botanist or California Department of Fish and Game representative shall be present to inspect the plant species. If significant species are identified, the botanist or representative shall have the authority to stop or temporarily divert construction activities in order to assess the significance of the find.

5. ANIMAL LIFE

5a - 5d

Development of residential uses may change the diversity or the number of animal species. A Natural Diversity Data Base (NDDDB) analysis also analyzes the location and condition of rare and threatened animal species. The same sort of methodology used to identify sensitive plant species was conducted for the sensitive animal species. Again, no sensitive species were identified within the City of Piedmont. Some species of concern were identified in communities surrounding Piedmont.

Given the disturbed nature of the remaining vacant sites in Piedmont, it is unlikely that any species of concern would be present. To confirm this analysis future residential projects proposed on non-infill sites (e.g. Maxwellton Property) should be analyzed for rare, endangered, or threatened animal life. The absence of a special animal does not mean they are absent from the area but that no occurrence data are currently entered in the Data Base inventory.

Land development may reduce animal habitat and reduce the numbers of unique, rare, or endangered animal species.

Additional population in the City may indirectly result in the addition of domestic animal species. Land development that reduces animal habitat may result in a barrier to the migration or movement of animals.

Siltation associated with construction activities may affect water quality. With erosion control measures (mitigation measures 8 through 11), existing fish and wildlife habitat is not anticipated to be deteriorated.

To avoid any potential impacts to animal life, the following mitigation measure is proposed.

- MM13. Prior to issuance of grading and/or building permits, a qualified biologist or Fish and Game representative shall be hired by the applicant to conduct a study and inform developer of the results of the study. In addition, the biologist or California Department of Fish and Game representative shall be present to inspect the habitat and animal species. If significant species are identified, the biologist shall have the authority to stop or temporarily divert construction activities in order to assess the significance of the find.

6. NOISE

6a - 6b

The noise levels in Piedmont vary in proportion to local traffic flow, which in turn is related to population. The most exposure can be seen on the local main traffic arteries which include Grand Avenue, Highland Avenue, Moraga Avenue, Oakland Avenue or Park Boulevard. The number of people exposed to noise levels greater than 65dBA has been estimated at approximately 226. Future buildout of the General Plan assumes no population growth and a reduction in vehicle noise due to automobile improvements. The number of people exposed to noise levels greater than 60 dBA in 1995 has been projected at 217. (City of Piedmont 1984 General Plan) Although not specified, these noise levels are presumably experienced in the daytime during peak traffic hours.

Build-out of residential uses will generate minimal additional traffic. This will increase existing noise levels and may affect sensitive noise receptors such as residences.

With implementation of General Plan policies, these increases in noise levels will not expose people to severe noise levels.

Environmental Hazards Element

- I. Piedmont will review any development proposals for multi-family residential units in areas in which the outdoor Ldn level exceeds 60 db to ensure the specific noise controls features are incorporated in the design of such units which will reduce interior levels to 45 db.

- P. Piedmont will enforce the California Motor Vehicle Code regulations on maximum allowable noise levels for cars and trucks and motorcycles.
- P. Piedmont will periodically evaluate traffic volume and flow patterns within the City for possible adverse acoustical effects.

7. LIGHT AND GLARE

Residential development encouraged by the proposed Housing Element will produce new light or glare. Additional street lights in currently undeveloped areas of the City will create additional light near existing residents. New buildings may create glare depending on the construction materials used.

Future projects proposed under the General Plan will be required to comply with the following mitigation measures to reduce any impact.

- MM14. All projects proposed under the General Plan Housing Element shall be assessed by the City for potential light and glare impacts. The assessment shall be submitted to and approved by the City Public Works Department and the City Planning Commission prior to issuance of grading and building permits.
- MM15. Design of lighting for specific building projects will be guided by the following principles: avoid interference with reasonable use of adjoining properties; minimize onsite glare; provide adequate onsite lighting; limit electroliers height to avoid excess illumination; and provide lighting structures which are compatible with landscape design. Lighting design plans shall be submitted for review and approval to the City Public Works Department and to the City Planning Commission.

8. LAND USE

The proposed adoption of the Housing Element will alter present and planned land uses of the Study Area. In accordance with state requirements, the General Plan and the Municipal Code will be analyzed for adequacy and for internal consistency. They will be updated as appropriate.

Several adequate sites may be developed with residential uses. These properties, zoned multi-family, single-family, single-family (estate) and commercial, currently permit the development of residential uses.

Future projects will be required to comply with the following:

Mitigation Measures

- MM16. Approval of any residential project shall not occur until consistency with the General Plan, Zoning Ordinance, Subdivision Ordinance, Second Unit Ordinance, or any other portion of the Municipal Code is achieved or until these codes and plans are revised and amended. This shall be monitored by the City Planner and City Attorney.

9. NATURAL RESOURCES

Construction associated with the proposed Housing Element land uses will require the use of fossil fuels, sand gravel, asphalt, lumber as well as other natural resources. Establishment of proposed uses is not anticipated to increase the rate of use of any natural resource.

10. RISK OF UPSET

10a - 10b

Development of residential uses may result in the risk of explosion or the release of hazardous substances. Hazardous substances may exist on sites designated as adequate for residential development such as sites along Grand Avenue or the PG&E substation. No information is available to determine the presence or absence of hazardous materials. Mitigation measures will reduce this potential impact to a level of insignificance.

It is not anticipated that the residential uses will not interfere with an emergency response plan or an emergency evacuation plan.

Future developments shall comply with the following mitigation measures:

- MM17. During environmental review, a consultant shall be retained by property owners to review potential problems in above-ground structures for hazardous environmental conditions and to determine the most environmentally feasible method for removal. The assessment shall be reviewed by the City Public Works Department, as well as any County, State, or Federal agencies as may be required.
- MM18. During environmental review, a Management Program shall be prepared by the property owner or their consultant. The Program will detail how all recommended mitigation measures to reduce health hazards will be enforced. The assessment shall be reviewed by the City Public Works Department as well as any County, State, or Federal agencies as may be required.

11. POPULATION

Additional residential development will alter the location, distribution, and density of the population in the Study Area. Should the fair share housing allocation of twenty-nine units be met, the resulting population increase will be 81 persons (1980 household size of 2.79). Should all adequate sites achieve maximum allowable build-out under current ordinances and plans (45 dwelling units), the resulting population increase would be approximately 126 persons. The development of housing will alter the population growth rate in certain portions in the City.

Population growth or change in itself is not a significant impact. Indirect impacts associated with population growth such as traffic, noise, air quality, public services and utilities are addressed in their respective sections of this Initial Study.

12. HOUSING

The proposed Housing Element may affect existing housing. New units may create traffic, parking, and aesthetic impacts. Traffic and parking are considered under Section 13 of this Initial Study. Mitigation Measures have been provided which will mitigate traffic and parking impacts. Aesthetic impacts are considered under Section 18. Mitigation measures for aesthetic impacts are provided which will reduce the impacts to a level of insignificance. The Housing Element will provide opportunities for additional residential development to meet identified needs.

13. TRANSPORTATION/CIRCULATION

13a - 13f

Over half of the streets in Piedmont are considered marginally adequate or inadequate according to the Circulation Element of the General Plan. Inadequate streets generally occur in the hilly areas and have roadway widths of less than twenty (20) feet, which is inadequate for two lanes of traffic. (City of Piedmont 1984 General Plan)

Marginally adequate streets have roadway widths of approximately 20 - 30 feet. Cars parked on both sides reduce driving lane widths. This can be hazardous, particularly if roads have curvature. (City of Piedmont 1984 General Plan)

Proposed residential land uses will not generate substantial additional vehicular movement. The addition of roadways to access certain sites may alter present patterns of circulation. The addition of vehicle trips may cumulatively contribute to existing roadway capacity and safety problems.

Additional vehicles will create additional demand for parking especially in the downtown area.

No rail, waterborne, or air traffic facilities are located within the City. The addition of few residential units is not anticipated alter waterborne, rail, or air traffic in the region.

Future residential projects will be required to comply with the following mitigation:

Mitigation Measures

- MM19. The project applicant shall construct all streets internal to the project to full ultimate cross-sections prior to obtaining occupancy permits. This measure shall be monitored by the City Public Works Department.
- MM20. In proportion to the project's incremental impact to the City's circulation system, the project applicant shall contribute to roadway improvement funds and to a parking improvement fund to improve any streets or parking areas which may be impacted by the proposed project. The incremental impact shall be determined through environmental analysis prepared for the proposed project. This measure shall be monitored by the City Public Works Department.

14. PUBLIC SERVICES

14a - 14f

The Piedmont Fire Department receives an average of 721 calls in a year. Half of the calls are for emergency medical response with the remainder of calls being reports of fire. The average response time to anywhere in the City is two to three minutes. (City of Piedmont 1984 General Plan). Increased population will impact the level of service provided by the Fire Department.

The Police Department receives an average of 20 calls per day. The average cost per citizen per year to maintain the present level of service equals \$97.00. (City of Piedmont 1984 General Plan). Increased population will impact the level of service provided by the Police Department.

Currently, 2,204 students are enrolled in the Piedmont Unified School District. The breakdown of enrollment is as follows:

<u>School</u>	<u>Enrollment 9/5/90</u>
Elementary (K-5)	1,171
Middle (6-8)	440
High (9-12)	556
Continuation	17
Special Day Classes	20

The student to teacher ratio is 28 to 1. The number of elementary school-aged children has been rising while the number of high school students has been decreasing. Enrollment in the high school will increase starting in 1994. (Piedmont Unified School District) Should the number of school age children increase with the development of additional residential uses, schools would be impacted.

The Recreation Department currently operates eight recreational facilities including the Havens Playground, Recreation Center, Linda Playground, Wildwood Playground, Piedmont Sports Field, Piedmont Park, Dracena Park, the Veterans Hall, and the Community Hall. An increase in population associated with new residences will increase the demand for recreational services.

Additional residential development encouraged by Housing Element programs will affect maintenance of public facilities such as roads which are maintained by the Public Works Department.

Additional development will affect other governmental services. The Public Works Department will have to review planning and building applications.

Future residential projects will be required to comply with the following mitigation:

Mitigation Measures

MM21. During environmental and project review, each affected City department shall review all site plans and project proposals for their potential impacts with respect to the following:

- Staffing
- Budgets
- Facilities
- Response Times
- Access

MM22. The project applicant shall pay development fees in proportion to their impact on any governmental service. Fees shall be based on the ordinances and procedures in effect at the time of project review and approval. This shall be done to the satisfaction of the City Public Works Department.

15. ENERGY

15a - 15b

Fuel and energy will be required for construction and operation of proposed land uses. Amounts required for buildout are not anticipated to be great. Gas, electricity, and other

sources of power will be addressed in the Public Services and Utilities section of the General Plan as described below.

The proposal would not result in substantial increases in demand upon existing sources of energy. It would not require the development of new sources of energy.

16. UTILITIES

16a - 16f

Piedmont receives an ample supply of high quality water from East Bay Water Company. Piedmont is supplied through a distribution system consisting of 6" to 8" diameter steel pipes which are underground and generally in the street rights-of-way. The primary reservoir is the one at the top of Blair Avenue, referred to as Piedmont No. 2 (60 acre-feet capacity). The other reservoir is located on Dingee Reservoir (30 acre-feet capacity). There are no impediments to additional hook-ups to this system as can reasonably be projected for anticipated growth in the City of Piedmont. (City of Piedmont 1984 General Plan). Increased residential growth is not anticipated to result in impacts to the water system.

Sewage treatment is provided by East Bay Municipal Utility District (MUD). The sewage collection system is owned and maintained by the City of Piedmont. An "over capacity" level has been reached and any further additions to the system will aggravate existing problems. (City of Piedmont 1984 General Plan) Recently, the City has been awarded funds to improve City infrastructure (Public Works Department Records). Additional residential development will contribute cumulatively to existing sewage collection/treatment problems.

The storm sewer system relies on natural drainage courses to connect various sections. Surface drainage and runoff require erosion control measures. (City of Piedmont 1984 General Plan). Additional residences will contribute to erosion and runoff as described in the Water section of the Initial Study.

Natural gas and electricity is provided by PG&E. Under a franchise agreement, PG&E must supply the needs of residences and businesses of the City. (City of Piedmont 1984 General Plan). No impacts are anticipated.

Telephone service is provided by Pacific Bell. Usually, any major expansions are funded by the developer of a project. Normal extensions of service can be accommodated by Pacific Bell in many cases. No significant impacts to telephone are anticipated.

Future residential projects shall comply with the following:

Public Utilities and Services Element

- I. Continue sewer service tax and connection fees to pay for major maintenance.

- I. Review development proposals in or near natural drainage courses and require installation of storm sewer facilities as necessary.

Mitigation Measures

- MM23. During environmental and project review, project applicants shall contact all utilities which may be affected by their proposed project. Each utility shall review the proposed project plans and shall suggest mitigation measures as may be needed. This shall be done to the satisfaction of the City of Piedmont Public Works Department.

17. HUMAN HEALTH

17a - 17b

Implementation of the proposed Housing Element Update may create potential health hazards as described under Risk of Upset above. Persons may be exposed to these hazards. Implementation of mitigation measures proposed under Risk of Upset will reduce impacts to a level of insignificance.

18. AESTHETICS

Additional residential development may result in the obstruction of a scenic vista or view open to the public, such as if the Cemetery property is developed. With the use of design review, uses developed under the plan will not create an aesthetically offensive site.

Future projects proposed under the Housing Element shall be subject to the following Implementation Programs, Policies, and mitigation measures to reduce aesthetic impacts:

- MM24. Landscaping for residential development projects shall be designed in order to minimize visual impacts on adjacent parcels. Special consideration shall be given to orientation of proposed houses (i.e. window and decking) so as to preserve the privacy of adjacent and nearby homes. Landscaping and building design shall be reviewed and approved by the City Public Works Department and the City Planning Commission.
- MM25. Further visual analysis shall be conducted at the time of subdivision review. This shall include analysis of conformance to Design Review Guidelines. This analysis shall be reviewed by the City Public Works Department and the City Planning Commission.

19. RECREATION

Establishment of the residential uses may decrease the future quantity of existing recreational opportunities. It may reduce the quality of existing recreational opportunities. Additional residents will utilize existing facilities which are currently heavily utilized. It would increase the demand for recreational opportunities.

City policies and programs and the following mitigation measure will reduce recreation impacts to a level of insignificance:

Recreational Facilities and Programs Element

- P. Complete developing Dracena Park quarry as a grass playfield.

Mitigation Measure

- MM26. If feasible, the City shall require the dedication of open space or in-lieu fees for residential developments of sufficient size. The dedication or fees shall be in relation to the development's impacts on existing recreation and open space facilities. This measure shall be monitored by the City Public Works Department.

20. CULTURAL RESOURCES

20a - 20d

According to the City's General Plan, there are many potential historic sites and structures within the planning area. Following are examples of potential historic sites:

- The first dairy farm, Maxwellton Brae, located in the City's Corporation Yard.
- The Alexander Home on Sea View Avenue. Wallace Alexander formed the Piedmont Council, Boy Scouts of America and the Piedmont Community Church.
- The Havens House designed by Bernard Maybeck.
- The neo-Tudor style home at 320 El Cerrito Avenue designed by John Hudson Thomas.
- The Jurgensen House on Dormidera Avenue designed by Louis Christian Mullgardt, designer of the De Young Museum in San Francisco.

- Julia Morgan homes: the Reed House at Crocker and Farragut, the Starr House at 216 Hampton and two homes on Farragut.
- The Dawson home on Sotello and the home at 76 Sea View designed by Albert Farr.
- The Sweetland manor house at 11 Glen Alpine Road, the largest private dwelling in the East Bay. (City of Piedmont 1984 General Plan)

There is a possibility of prehistoric cultural resources in certain areas of the City. Grading as well as other construction activities may affect prehistoric or historic sites, unique ethnic cultural values, or restrict existing religious or sacred uses within the City area. The City has no documentation regarding prehistoric sites. Mitigation measures have been presented that eliminate potential concerns.

Future residential projects shall comply with the following:

Mitigation Measures

MM27. Should any future development occur near or around potential historic properties, the project applicant in conjunction with the City shall prepare a design and construction plan which preserves the integrity and appearance of the historic structure. This shall be done to the satisfaction of the City Public Works Department.

MM28. The City shall require research into potential archaeological sites by the applicant. This shall include contacting the California Archaeological Inventory at Sonoma State University.

As necessary, a qualified archaeologist shall be present during pregrade meetings to inform the developer and grading contractor of the results of the archaeological study. In addition, an archaeologist shall be present during grading activities to inspect the underlying soil for cultural resources. If significant cultural resources are uncovered, the archaeologist shall have the authority to stop or temporarily divert construction activities for a period of 48 hours to assess the significance of the find. This shall be done to the satisfaction of the City Public Works Department.

21. MANDATORY FINDINGS OF SIGNIFICANCE

21a - 21d

The project does have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, threaten plant and animal communities, reduce

the number or restrict the range of rare or endangered plant and animal species, and eliminate important examples of major periods in California history and prehistory. The project may have the potential to achieve short-term to the disadvantage of long-term environmental goals. The project has impacts which are individually limited, but cumulatively considerable. The project may cause substantial adverse indirect or direct impacts on human beings.

ATTACHMENT B

CITY OF PIEDMONT HOUSING ELEMENT UPDATE INITIAL STUDY CONCLUSIONS

INTRODUCTION

The City of Piedmont is considering the approval of a comprehensive Update to their currently adopted Housing Element. The proposed actions constitute a project under the California Environmental Quality Act (CEQA) Guidelines. The City has identified project-specific effects, for the environmental topics described in the Initial Study, which may occur as a result of the project or on a cumulative basis in conjunction with other past, present, and reasonably foreseeable projects. Based upon the Initial Study, the following preliminary impact conclusions have been established.

CONCLUSIONS

Environmental Effects Determined To Be Insignificant

Several insignificant impacts were identified in the Initial Study and will not require any form of mitigation. The impacts found to be insignificant are identified below. Supporting evidence explaining why the impacts are found to be insignificant is provided in Attachment A - Initial Study Checklist Responses.

2. AIR

- b. The proposed project will not create any objectionable odors.
- c. The proposed project is not anticipated to have a significant effect upon air movement, moisture or temperature, or result in any change in climate locally or regionally.

3. WATER

- a. Implementation of the proposed project is not anticipated to change any fresh surface water currents or the course of direction or water movements.
- d. Proposed project uses are not anticipated to change any amount of surface water in any water body.
- g. Additional development is not anticipated to increase the withdrawal of ground waters.

- h. Substantial reduction in the amount of water otherwise available for public water supplies would not result from the proposed project.

4. PLANT LIFE

- d. The proposed project will not reduce existing agricultural production within the City. No agriculture operations are located within the City.

9. NATURAL RESOURCES

Establishment of proposed uses is not anticipated to increase the rate of use of any natural resources.

10. RISK OF UPSET

- b. It is not anticipated that proposed residential uses will interfere with an emergency evacuation plan.

11. POPULATION

The proposal will alter the location, distribution, density or growth rate of the human population of the area. Population growth or change is not considered significant. Indirect impacts associated with population growth such as traffic, noise, air quality, and public services and utilities are addressed in their respective sections of this Initial Study.

13. TRANSPORTATION/CIRCULATION

- a. Proposed residential uses will not generate substantial additional vehicular movement.
- e. The proposed project is not anticipated to cause alterations to waterborne, rail, or air traffic.

15. ENERGY

- a. The proposed project would not result in substantial increases in demand upon existing sources of energy.
- b. The proposed project would not require the development of new sources of energy.

16. UTILITIES

- a. The proposed project will not result in a need for new systems or substantial alterations to water systems.

- d. The proposed project will not result in a need for new systems or substantial alterations to telephone systems.
- e. The proposed project will not result in a need for new systems or substantial alterations to gas systems.
- f. The proposed project will not result in a need for new systems or substantial alterations to electric systems.

Significant Environmental Effects That With Mitigation Can Be Avoided If The Project Is Implemented

Several significant adverse impacts are identified in the Initial Study. These effects will require mitigation measures to be reduced to insignificant levels.

1. EARTH

- a. The proposed project may result in unstable earth conditions or changes in geologic substructures.
- b. Grading will disrupt, displace, compact, and overcover soil.
- c. Grading may change existing topography or ground surface relief features.
- d. Grading may modify unique geologic or physical features.
- e. Construction or proposed residential uses may increase soil erosion by earthwork and other construction activities.
- f. Construction activities may result in siltation impact to creeks and waterways.
- g. The development of residential uses will expose persons as well as property to geologic hazards.

2. AIR

- a. Development of the proposed residential uses may create substantial air emissions related to fugitive dust.

3. WATER

- b. The project will result in changes in absorption rates, drainage, patterns, or the rate, and amount of surface runoff.

- c. Proposed residential uses may alter the flow or course of flood water.
- e. The project may result in discharge into surface waters and alter surface water quality.
- f. The proposed project may result in an alteration to the direction or rate of flow of groundwaters.
- i. The project may expose people or property to water related hazards such as flooding.

4. PLANT LIFE

- a. The proposed residential uses may change the diversity of plant species or the number of species.
- b. Proposed residential uses may impact native habitats and rare or endangered species.
- c. Landscaping associated with new development may introduce new species of plants into the proposed area.

5. ANIMAL LIFE

- a. Development of the proposed residential uses may change the diversity or the number of animal species.
- b. Residential development may reduce animal habitat and reduce the number of unique rare or endangered species of animals.
- c. Additional population in the City may indirectly result in the addition of domestic animal species. Residential development that reduces animal habitat may result in a barrier to the migration or movement of animals.
- d. Existing fish and wildlife habitat would not be deteriorated.

6. NOISE

- a. The project will result in an increase to existing noise levels due to minimal additional traffic.
- b. Increases in noise levels may affect sensitive noise receptors such as residences.

10. RISK OF UPSET

- a. Proposed residential land uses may result in the risk of explosion or the release of hazardous materials.

12. HOUSING

The proposed project may affect existing housing. Secondary impacts include traffic, parking, and aesthetics. Mitigation measures are described under the respective environmental sections. It will not create a demand for additional housing.

13. TRANSPORTATION/CIRCULATION

- b. Additional vehicles will create a demand for additional parking facilities.
- c. Proposed residential uses may have a substantial impact upon existing transportation systems.
- d. Proposed residential uses may alter present patterns of circulation.
- f. Increases in vehicles may increase traffic hazards to other vehicles, bicyclist or pedestrians.

14. PUBLIC SERVICES

- a. The proposed residential uses may affect and/or result in the need for new or altered fire protection services in the area.
- b. The proposed residential uses may affect and/or result in the need for new or altered police protection services in the area.
- c. The proposed residential uses may affect and/or result in the need for new or altered school services in the area.
- d. The proposed residential uses may affect and/or result in the need for new or altered parks or other recreation facilities in the area.
- e. The proposed residential uses may affect and/or result in the need for new or altered road maintenance services in the area.
- f. The proposed residential uses may affect and/or result in the need for other new or altered governmental services in the area, such as application review.

16. UTILITIES

- b. The proposed project will result in the need for new or altered sewer systems.
- c. The proposed project will result in the need for new or altered storm drain facilities.

17. HUMAN HEALTH

- a. Implementation of the proposed project may create potential health hazards as described in Risk of Upset.
- b. Persons may be exposed to potential health hazards.

18. AESTHETICS

The development of the proposed project may result in the obstruction of a scenic vista or view open to the public. Uses developed under the plan may create an aesthetically offensive site in the opinion of the public.

19. RECREATION

The proposed residential land uses may impact the quality and quantity of existing recreational opportunities.

20. CULTURAL RESOURCES

- a. The proposal may alter or destruct a prehistoric or historic archeological site.
- b. The proposal may result in adverse physical or aesthetic effects of a prehistoric or historic building, structure, or object.
- c. The proposal may have the potential to cause a physical change which would affect unique cultural values.
- d. The proposal may restrict existing religious or sacred uses within the potential impact area.

21. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project has the potential to degrade the quality of the environment, including plant and animal communities and examples of California history or prehistory.
- b. The project may have the potential to achieve short-term, to the disadvantage of long-term environmental goals.

- c. The project has impacts which are individually limited, but cumulatively considerable.
- d. The project may have environmental effects which will cause substantial adverse effect on human beings, either directly or indirectly.

ATTACHMENT D
RESOLUTIONS

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF PIEDMONT RECOMMENDING CERTIFICATION AS
COMPLETE AND ADEQUATE THE NEGATIVE DECLARATION
FOR THE HOUSING ELEMENT UPDATE

WHEREAS, the Draft Negative Declaration provided environmental impact assessment for the Housing Element Update; and

WHEREAS, the Draft Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and State CEQA Guidelines; and

WHEREAS, the Draft Negative Declaration was circulated to the public for comment and review; and

WHEREAS, oral comments and written comments were received from the public during the review period; and

WHEREAS, the Planning Commission of the City of Piedmont conducted a public hearing to receive public testimony with respect to the Draft Negative Declaration;

WHEREAS, the Planning Commission of the City of Piedmont has reviewed all environmental documents comprising the Negative Declaration and has found that the Negative Declaration considers all environmental impacts of the proposed Housing Element Update and is complete and adequate and fully complies with all requirements of CEQA and the CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend certification of the Negative Declaration for the Housing Element Update as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with the requirements of the California Environmental Quality Act and the State CEQA Guidelines. Said Negative Declaration is comprised of the following elements:

1. Draft Negative Declaration and accompanying Initial Study;
2. Planning Commission Minutes;
3. Written comments as received during the review period;
4. Planning commission Resolutions, Findings and Conditions for Recommended Approval.

All of the above information has been and will be on file with the Public Works Department, City of Piedmont, City Hall, 120 Vista Avenue, Piedmont, California 94611, (415) 420-3050.

ADOPTED THIS _____ day of _____, 1991.

AYES:

NOES:

ABSENT/ABSTAIN:

BY: _____
Patricia White
CHAIR

ATTEST:

Anne Swift
CITY CLERK

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
ADOPTING THE HOUSING ELEMENT UPDATE 1991.

WHEREAS, the City Council of the City of Piedmont adopted A General Plan for the City of Piedmont in November, 1984; and

WHEREAS, State law grants authority to the City of Piedmont to amend its General Plan; and

WHEREAS, the Housing Element is intended to provide comprehensive and long-term guidance to housing development; and

WHEREAS, the Housing Element Update will assist the City of Piedmont to make a good faith effort to meet regional housing needs and Statewide housing goals; and

WHEREAS, the Housing Element Update provides for a variety of housing types, especially senior housing; and

WHEREAS, the City of Piedmont Planning Commission conducted two public hearings during the year 1991 regarding the Housing Element Update and made proper public notification of these meetings; and

WHEREAS, the City of Piedmont Public Works Department conducted one public workshop and five public Citizens Advisory Committee meetings during the years 1990 and 1991 regarding the Housing Element Update and made proper public notification of these meetings in accordance with adopted City procedures; and

WHEREAS, a Negative Declaration has been prepared and the California Environmental Quality Act requirements have been met; and

WHEREAS, the Housing element Update 1991 includes the following documents;

1. Housing Element Update April 15, 1991; the cover page of which is attached hereto as Exhibit A; as modified by
2. Modifications to the Housing Element Update recommended in the Letter Response to the Department of Housing and Community Development attached hereto as Exhibit B;
3. Modifications to the Housing Element Update as stated in the Planning Commission minutes attached hereto as Exhibit C.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Piedmont does hereby recommend for approval the Housing Element Update 1991.

ADOPTED, SIGNED AND APPROVED this _____ day of _____, 1991 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

BY:

Patricia White
CHAIR

ATTEST:

Anne Swift
CITY CLERK

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF PIEDMONT RECOMMENDING CERTIFICATION AS
COMPLETE AND ADEQUATE THE NEGATIVE DECLARATION
FOR THE HOUSING ELEMENT UPDATE

WHEREAS, the Draft Negative Declaration provided environmental impact assessment for the Housing Element Update; and

WHEREAS, the Draft Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and State CEQA Guidelines; and

WHEREAS, the Draft Negative Declaration was circulated to the public for comment and review; and

WHEREAS, oral comments and written comments were received from the public during the review period; and

WHEREAS, the Planning Commission of the City of Piedmont conducted a public hearing to receive public testimony with respect to the Draft Negative Declaration;

WHEREAS, the Planning Commission of the City of Piedmont has reviewed all environmental documents comprising the Negative Declaration and has found that the Negative Declaration considers all environmental impacts of the proposed Housing Element Update and is complete and adequate and fully complies with all requirements of CEQA and the CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend certification of the Negative Declaration for the Housing Element Update as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with the requirements of the California Environmental Quality Act and the State CEQA Guidelines. Said Negative Declaration is comprised of the following elements:

1. Draft Negative Declaration and accompanying Initial Study;
2. Planning Commission Minutes;
3. Written comments as received during the review period;
4. Planning commission Resolutions, Findings and Conditions for Recommended Approval.

All of the above information has been and will be on file with the Public Works Department, City of Piedmont, City Hall, 120 Vista Avenue, Piedmont, California 94611, (415) 420-3050.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
ADOPTING THE HOUSING ELEMENT UPDATE 1991.

WHEREAS, the City Council of the City of Piedmont adopted A General Plan for the City of Piedmont in November, 1984; and

WHEREAS, State law grants authority to the City of Piedmont to amend its General Plan; and

WHEREAS, the Housing Element is intended to provide comprehensive and long-term guidance to housing development; and

WHEREAS, the Housing Element Update will assist the City of Piedmont to make a good faith effort to meet regional housing needs and Statewide housing goals; and

WHEREAS, the Housing Element Update provides for a variety of housing types, especially senior housing; and

WHEREAS, the City of Piedmont Planning Commission conducted two public hearings during the year 1991 regarding the Housing Element Update and made proper public notification of these meetings; and

WHEREAS, the City of Piedmont Public Works Department conducted one public workshop and five public Citizens Advisory Committee meetings during the years 1990 and 1991 regarding the Housing Element Update and made proper public notification of these meetings in accordance with adopted City procedures; and

WHEREAS, a Negative Declaration has been prepared and the California Environmental Quality Act requirements have been met; and

WHEREAS, the Housing element Update 1991 includes the following documents;

1. Housing Element Update April 15, 1991; the cover page of which is attached hereto as Exhibit A; as modified by
2. Modifications to the Housing Element Update recommended in the Letter Response to the Department of Housing and Community Development attached hereto as Exhibit B;
3. Modifications to the Housing Element Update as stated in the Planning Commission minutes attached hereto as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Piedmont does hereby recommend for approval the Housing Element Update 1991, subject to the following comments which are to be considered by the City Council during its review of the Draft Element and City Response Letter:

A. That the 29 Craig Avenue site in the Draft be better defined with regard to its adequacy as a lot.

B. That the Maxwellton site not be considered for multi-family/low-cost housing but for potential single-family, detached housing.

C. That Blair Park be reviewed as a potential site for multi-family housing.

D. That the Response Letter reference "Mansion" housing in either Response #4 or #14, whichever is most appropriate.

EXHIBIT A

**CITY OF PIEDMONT
DRAFT
HOUSING ELEMENT UPDATE**

PREPARED FOR:

**CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CALIFORNIA 94611**

PREPARED BY:

**STA PLANNING, INC.
250 MONTGOMERY STREET, SUITE 1000
SAN FRANCISCO, CA 94104**

APRIL 15, 1991

September __, 1991

Mr. Jeff Spano
Department of Housing and Community Development
Division of Housing Policy Development
1800 Third Street, Room 430
P.O. Box 952053
Sacramento, California 94252-2053

Dear Mr. Spano:

It is the opinion of the City of Piedmont that the Housing Element transmitted to you in April 1991 is in conformance with all requirements of State law, and further, that it has been accomplished with every intent to pursue an aggressive implementation of its programs.

In response to the Department of Housing and Community Development's review of the City of Piedmont's Draft Housing Element dated May 31, 1991, we would like to inform you that STA Planning, Inc. (STA) and the City of Piedmont have worked together to prepare responses to each of your concerns. Below we suggest refinements to the Element which have been considered by the Citizen's Advisory Committee, Planning Commission, and City Council. We believe that upon review of State law and incorporation of the refinements to the Piedmont Housing Element suggested herein, Piedmont will have an even more successful housing program. We have enclosed the Element as adopted by the City Council.

PREFACE

We would like to note that according to State housing element law (Government Code Section 65581), it was the intent of legislature:

1. To assure that Counties and Cities recognize their responsibilities to the attainment of the State housing goals;
2. To assure that Counties and Cities will prepare and implement housing elements which, along with federal state programs, will move toward attainment of the State housing goal;
3. To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal, provided such a determination is compatible with the State housing goals and regional housing needs; and [emphasis added]
4. To ensure that each local government cooperates with other local governments in order to address regional housing needs.

We believe that the revised Housing Element complies with the intent of State Housing Goals and will enable the City to make a good faith effort towards achieving State housing goals and regional housing needs.

All changes to the Draft Element are shown on following pages of this letter. Original information is indicated with a strikeout of the text, and modifications are shown in ***bold italic*** font.

COMMENT 1

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

The element should describe how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of a review of the prior element (65588(a)(1)).

According to the element, "The City implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to a lack of staff, alternate priorities, and lack of funding." To address issues identified with the City's program implementation deficiencies, the element indicates that the City is considering hiring additional planning staff, and it now includes various state and federal funds available to interested parties. The element also states that the City will "continue to include housing programs when prioritizing community issues to be addressed." However, the element does not include program actions to commit the City to apply for any federal or state funds, or to demonstrate that housing for all income levels will become a higher City priority.

RESPONSE 1

Several paragraphs from the Housing Element describe what has been learned and incorporate what has been learned through the review of the past Element:

Pages 43-44 of the Draft Element

A review of the information in Table X indicates that the City of Piedmont has implemented 9 of 15 identified programs (60 percent) over the past several years including preparation of a Zoning Ordinance and Map. Approximately 40 percent or 6 of 15 programs have not been implemented. Five of the six programs not implemented were studies.

The status of several programs was discussed with City staff members and elected decisionmakers. Attention was focused on key programs such as preparing a zoning ordinance, second unit ordinance, and participating in the Community Development Block Grant program with Alameda County. For the programs not implemented, lack of City staff time, alternate priorities, and lack of financing were cited as reasons for lack of implementation.

The Growth Management program was probably not adopted due to its limited applicability to the City of Piedmont, a built out community with limited vacant land and no areas for expansion.

The City Council sets priorities and funding sources. The areas studies since 1984 include the following major items:

1. Second Units
2. Zoning Ordinance Update
3. Application for CDBG funds
4. Turfed Facilities
5. Infrastructure Improvements (wastewater and sidewalks)
6. Residential Design Review Guidelines

To address the concerns related to lack of City staff time, the City is considering hiring additional planning staff. To address lack of funds, more funding sources are indicated in the Housing Element. In the past, the City Council has supported the housing programs from the 1984 Housing Element. It is anticipated that due to the growing state requirements related to Housing Elements, and housing development issues, the City will continue to include housing programs when prioritizing community issues to be addressed. [emphasis added]

Page 45 of the Draft Element

In order to facilitate housing development, several programs have been included in this Housing Element which will guide the City in its efforts to plan and develop housing according to community needs. The programs identify potential housing sites, provide suggested funding mechanisms, and remove governmental constraints. [emphasis added]

Since preparation of the Draft Element, an additional staff person has been hired to assist in planning matters. This action will be added to the discussion on page 44 of the Draft Element:

To address the concerns related to lack of City staff time, the City ~~is considering hiring~~ *has hired an* additional planning staff *member* . . .

In addition, it should be noted that the City's implementation of the CDBG program as a program from the 1984 Element did result in assistance to low-income families:

Page 41 of the Draft Element

Regarding housing, there have been 5 CDBG loan grant recipients since 1987 including:

- Four (4) minor home repair grant recipients.
- One (1) major rehabilitation loan recipient with a 15 year loan term. This loan term will expire subsequent to the year 2000. This unit is not a multi-family rental unit.

All recipients were low income according to the State definition. (City of Piedmont Records). The major loan was given to the owner-occupant of a single-family home. There are no assisted multi-family rental units at risk for conversion to market-rate units.

The City plans to continue participation in the CDBG program and to investigate other funding sources. The City is currently meeting with the County of Alameda and other jurisdictions in the County to prepare a joint application for the California Homeownership Assistance Program. In Piedmont, funds could be used to assist renters to purchase a dwelling unit or a share entitling occupancy for units converting to condominiums. This program is currently listed under Implementation Program A2 of the Housing Element.

As is stated in the description of each Implementation Program section, the Housing Element will be reviewed annually for progress. This will help ensure that housing programs will become a higher priority for the City.

In order to demonstrate the City's commitment towards applying for funds, Implementation Programs A2 and B2 will be modified (as well as all programs related to funding):

- A2. The City will assist all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households. ~~The City will make information available and/or direct interested parties to the appropriate agency.~~ *The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made*

regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program.

- B2. The City will designate a Housing Coordinator. Responsibilities of the Housing Coordinator shall include, but are not limited to, developing a pilot program to package housing incentives and funding sources aimed at developing affordable housing. *The City will also consider establishing a Task Force to assist the Housing Coordinator in implementing the Housing Element.*

COMMENT 2

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

With regard to the City's priorities, the City's land use policies continue to indicate that the City's priorities are for park-land and low-density residential development. For example, according to the element, "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 2

City decisionmakers and voter mandates have determined that it would be inappropriate to remove parks and recreational uses in favor of housing in densely developed urban areas. In addition to housing elements, State law requires the preparation of open space elements. The open space element must address parkland.

The Piedmont Housing Element reflects the City's efforts to comply with State law in protecting open space and parks. We are sure that you are not suggesting to develop urban housing units in place of existing parks in areas such as Piedmont. Most important is the fact that under the Piedmont Housing Element we can meet both the housing and recreation needs of our residents.

The City of Piedmont remains limited by the lack of available open space on which to build housing or develop grassland parks:

Page 8 of the Draft Element

Since 1960 the City has been essentially built out as indicated on Table B. The housing stock has not increased substantially since 1960. The 1984 Housing Element identified 60 vacant buildable lots. An inventory of vacant and underutilized land

conducted in May 1990 revealed approximately 13 sites, with 11 of the sites considered feasible for housing construction. The vacant land survey is discussed in further sections. [emphasis added]

Page 29 of the Draft Element

Recreational Facilities and Programs Element policies require adequate use of land for recreational facilities, and parks. According to the Element "a city of Piedmont's size (10,000 residents) should have 14 acres of grass play fields (Base Source: Purdue University, Guidelines for Evaluating Public Parks and Recreation). However, the City had only 4.6 acres in 1984. Since 1984, approximately 0.5 acres have been developed with grass playfield uses. [emphasis added]

Element policies require 65-110 acres for developed parkland. Existing parkland in the City amounts to 38 acres. Including all open space run by the City, schools, and Oakland, open space totals 53 acres. Many of the policies have been or are in the process of being implemented. The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land. [emphasis added]

Since the 1984 General Plan, a Turfed Facilities Task Force has studied potential recreation uses in the Moraga Canyon area. No consensus has been reached on use of the property (Task Force Meeting Minutes 1990)

Page 41 of the Draft Element

Table W presents a 1990 estimate of vacant land suitable for residential development. All vacant and underdeveloped properties deemed suitable for residential development were assessed. Two properties designated for open space or public use by the General Plan were rejected from consideration. Appendix B contains the survey of vacant and underutilized properties as well as sites rejected from consideration. Land is available to meet the City's total construction needs. [emphasis added]

The City of Piedmont is attempting to balance several needs of the community. Needs of the community include parks as well as housing. In general, parks and housing compete for the same available land. However, the City has identified adequate sites which are currently designated for residential uses. None of the adequate sites are proposed for park uses. Housing proposed on these particular sites will not "compete" with parks. Land is available to meet the City's total construction needs as indicated on page 41 of the Draft Element.

It should also be noted that Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

The City, like other jurisdictions, is located in the inner Bay Area where limited land is left for urban development or open space uses. The City, through this ambitious 1991 Housing Element, will ensure that housing is a priority. (Refer to Response 1). An annual review of the Element as required will aid in prioritizing housing issues.

COMMENT 3

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Later the element states, "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built." While these constraints are discussed in the element, the element does not incorporate program actions to address them.

RESPONSE 3

The Housing Element describes the policies promoting affordable multiple dwellings through density bonus provisions, zoning ordinance, amendments, adaptive reuse, and mixed uses for several sites.

Page 60, Draft Element

Implementation Program D2 describes the proposed density bonus ordinance:

The City will create a separate implementing ordinance or amend the Zoning Ordinance to permit the granting of residential density use bonuses or other incentives for very low and/or low income developments in order to comply with Governmental Code Sections 65915 and 65917.

In addition, Implementation Program B1 on page 57 of the Draft Element describes adaptive re-use and mixed uses for specific sites.

In order to demonstrate the City's commitment towards providing affordable multiple dwellings, the City will insert the following Implementation Program.

The City will conduct a study of all existing multi-family developments to ascertain existing densities. Recommendations related to density standards for future multi-family units will be made. The City will seriously consider revising the Zoning Code to allow multiple dwellings to be developed at one dwelling unit per less than 2,000 s.f. of lot area.

The City will also add the following language to Implementation Program B1 on page 57:

1. Through the Municipal Code, the City will continue to allow residential units in commercial districts. Particular emphasis will be placed on senior housing. In addition, the City will ~~consider~~ *conduct studies by December 1992 which will make specific recommendations related to* general plan redesignation, code amendments, adaptive re-use, mixed-use zoning, and density increases or other incentives for the following:

- Grand Avenue Commercial
- PG&E Storage Building Site
- Maxwellton Property

The City will offer other incentives as appropriate to the site: fee waivers, parking standard modifications, and others deemed appropriate in the proposed study. Findings of the study shall be presented to the City Council for implementation within 6 months of study completion.

The Grand Avenue Commercial area consists of several underutilized properties which could support mixed use developments. Redesignation to mixed uses will be considered as part of the analysis proposed in Implementing Program B1.

The PG&E substation building site will be considered for adaptive re-use. The City will consider mediation or negotiation to purchase or help assist a non-profit organization to purchase or lease the site. Since the site is utilized as a "laydown" area for PG&E operations in the Piedmont and Oakland area, the City is willing to meet with PG&E representatives to discuss the use of other areas in the City for a "laydown area." One such area could be the City's Corporation Yard.

The Maxwellton site would be appropriate for a multi-family, townhouse, or condominium development. The market rate units could support some below market rate units in the same proposed development. The City will consider redesignation and density increases as

appropriate. As another incentive, the City owns the access easement to this property as indicated in Appendix B of the Housing Element.

In sum, the City plans to prepare a density bonus implementing ordinance, to study and amend the Zoning Ordinance, and to investigate and offer additional incentives for several sites in Piedmont.

COMMENT 4

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comments:

The City's priorities are also of particular concern to us since, unfortunately, most of the programs which were not implemented were those which could have resulted in information or actions to identify additional housing sites or to provide affordable housing opportunities for first-time homebuyers, low- and moderate-income households, and elderly residents. Conversely, programs which were implemented included the establishment of a ". . . single family residential estate zone with a minimum lot size of 20,000 square feet. . .," and a second unit ordinance which limits second unit occupancy to ". . . gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite. . ."

We note that our February 24, 1987 letter regarding our review of the City's draft second unit ordinance, stated, "In light of the need for elderly housing in Piedmont as described in the adopted housing element, facilitating the development of second units would enable the City to meet an identified need within the intent of the State second unit law." However, it appears that the second unit ordinance virtually precludes the use of second units to meet the City's need for affordable elderly housing.

RESPONSE 4

The City's use of CDBG funds as proposed in the 1984 Housing Element has resulted in the assistance of low-income families making home repairs. This has been discussed above.

The City will offer several incentives to encourage affordable housing and will also study and revise the minimum square foot requirement in the Multi-Family Zone.

Several paragraphs on Chapter 17D from the Draft Element discuss "second units":

Page 34 of the Draft Element

Chapter 17D regulates the use and development of second units. Second units are known as in-law apartments, granny flats, and accessory apartments. By definition a second unit is "... an additional residential unit on the same lot which provides complete independent living facilities for one or more person" (HCD March 1989). They offer a source of relatively affordable housing within a community. A community may ease a rental housing deficit with second units. They, in some instances, can enable the elderly to extend independent living time.

If a local government does not wish to use State criteria for second units, the locality can adopt their own second unit ordinance. Piedmont's Second Unit Ordinance was adopted in 1988 by the City Council. The ordinance distinguishes between two types of units:

- 17.D.1(a) "Second dwelling unit" is one or more living, sleeping and other rooms contained in an existing structure or on the same parcel of land, containing a kitchen, and sanitary facilities, and used as a self-contained residence for consideration by a person or persons not members of the owner's immediate family. The second dwelling unit and the primary residence unit must be under the same ownership.
- 17.D.1(c) "Separate living quarters" is a dwelling unit which would be a "second dwelling unit" as defined in 17D.1(a) except that:
 - (1) No rent or consideration is given; or
 - (2) The unit is occupied by gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite for a single employer and such employees have not other employment and are taking no more than six units per quarter or semester at a bona fide institution of higher learning.

As indicated above, a Separate Living Quarter is defined by either of two criteria:

- (1) No rent or consideration is given; or
- (2) The unit is occupied by gardeners, butlers, maids, etc.

Criteria #1 would not preclude use of a Separate Living Quarter by family members. In addition, twenty-nine second units are exempt from the City's Second Unit Ordinance. Elderly persons or other persons could reside there. Please refer to page 34 of the Draft Element.

The City has indicated its commitment to study and revise the ordinance as necessary through Implementation Program D3:

The City will review the second unit ordinance. The registration period for second units may be extended from 1991 to 1994 to coincide with the next mandated Housing Element Update for 1995. The City Council will establish a Citizen's Committee to study the second unit issue in more detail.

COMMENT 5

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Establish the maximum number of housing units which can be rehabilitated and conserved during the planning period of the element (Section 65583(b)). The rehabilitation objective is the number of units expected to be rehabilitated during the time frame of the element. The conservation objective refers to the preservation of the existing affordable housing stock.

RESPONSE 5

The rehabilitation objective is zero. The Draft Element has not identified any serious housing condition problems:

Page 22 of the Draft Element:

In Piedmont, the age of the housing stock may not present a true picture of the general condition of housing. Most homes are well-built and exceptionally well-maintained, and many homes have been renovated or extensively remodeled over the years.

Few units are in disrepair. Alameda County has notified the City of one home needing minor repairs. Some problems do exist, but none are considered to have any potential threats to occupant health or safety.

As discussed above, the City has granted five rehabilitation loans utilizing CDBG funds to low-income families. The number of units needing rehabilitation is estimated to be zero.

No existing assisted affordable developments are located within the City. Please refer to page 41 of the Draft Element. The conservation objective is estimated to be zero. Occupant income information related to the existing "exempt" second units (described on page 34 of the Draft Element) is unavailable. It cannot be determined whether they are rented at affordable levels.

The following table will be added to the Element:

TABLE Z
HOUSING OBJECTIVES

TYPE	OBJECTIVE
<i>New Construction</i>	<i>Very Low Income</i> 6 d.u.'s <i>Low Income</i> 4 d.u.'s <i>Moderate Income</i> 5 d.u.'s <i>Above Moderate Income</i> 14 d.u.'s <i>Total</i> 29 d.u.'s
<i>Rehabilitation</i>	<i>Zero (0)</i>
<i>Conservation</i>	<i>Zero (0)</i>

Source: STA Planning, Inc.

Note: d.u. = dwelling unit

COMMENT 6

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Identify adequate sites which will be made available through appropriate zoning and development standards to facilitate the development of a variety of types of housing for all income levels (Section 65583(c)(1)). The land inventory appears to identify enough sites to address Piedmont's "total" regional share of new construction need. However, in our opinion, due to the low-density of the City's single-family zone (2-4 units per acre) it is unlikely that the City can accommodate its moderate-income need within this zone. Since the City's combined regional share of new construction need for low- and moderate-income households totals fifteen units and the City's multi-family zone only identifies sites for eight units, a shortfall of sites for seven units exists.

In addition, considering the City's multi-family zone minimum density (8 units per acre), and its maximum density (20 units per acre), the element should demonstrate that a realistic potential exists for the development of multi-family sites at the maximum allowed density, and that the maximum allowed density is high enough to accommodate the City's projected need for lower-income households. The City could provide examples of recent multi-family developments affordable to lower-income households built at the maximum allowed density, include programs to encourage multi-family site development at the high end of the allowed density range, or, where existing densities are not adequate, include additional program actions along with increased densities to facilitate lower-income housing. Such programs could include fee waivers, the purchase of a site by the City for development of affordable housing, and relaxed parking requirements, where appropriate.

RESPONSE 6

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 7

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)). The element identifies a number of governmental constraints. Therefore, in our opinion, the element should also include program actions to mitigate or remove those constraints. Examples of constraints which should be mitigated or removed are listed below:

- a. Page 29: "The parkland policy result in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 7

Please refer to Response 2 of this letter which discusses parks and housing.

COMMENT 8

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- b. Page 30: "Multiple dwellings cannot exceed one dwelling units per each 2,000 square feet of lot area, (Chapter 17.73, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built."

RESPONSE 8

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 9

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- c. Page 33: "The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units."

RESPONSE 9

It is important to note that the City has granted variances to the Zoning Ordinance in the past. This is discussed on page 36 of the Draft Element. The Ordinance will be reviewed and revised to modify the height requirement. The City will add the following Implementation Program to the Housing Element:

The City will seriously consider revising the Zoning Ordinance related to multi-family uses to allow a maximum height of 50 feet instead of 35 feet for low and moderate income developments.

The location of the PG&E substation building next to the Oakland Avenue bridge would possibly be an area where an increase in height would not present aesthetic constraints.

COMMENT 10

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- d. "In Zone C, multi-family units are conditionally permitted. Due to the perception that affordable housing reduces property values, this provision could constrain the types of housing approved."

RESPONSES 10

The City will study and revise the Zoning Ordinance to make multi-family uses permitted in the multi-family zone. The following program will be added:

The City will seriously consider revising the Zoning Ordinance to make multi-family uses permitted in the Multi-Family Zone.

COMMENT 11

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- e. Page 34: "Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing."

RESPONSE 11

The constraint cannot be removed. It is a City charter provision. It is well beyond the authority of the State related to Housing Elements to require an amendment to the City Charter. This voting procedure has been in place since the City's incorporation.

Further Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

More importantly, under current zoning, the City has adequate capacities to meet construction needs. With the inclusion of other incentives described previously, a good faith effort will be made to achieve objectives.

COMMENT 12

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

In our opinion, the element should more specifically describe the actions Piedmont will take to implement programs to ensure that the City can meet housing element program requirements (Section 65583(c)(1-5)). In light of the City's program implementation deficiencies during the previous planning period, the element's programs related to affordable housing opportunities should reflect a stronger commitment toward implementation. For example:

Program A-1: What specific steps will the City take "to meet its fair share of housing as determined by ABAG?"

RESPONSE 12

The purpose of Implementation Program A1 is to establish the City's housing objectives. All other programs under Goals A, B, and D will help ensure new construction goals are pursued.

COMMENT 13

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-2 & A-3: In addition to assisting "all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households," does the City plan to apply for any of the federal and state funding sources listed?

RESPONSE 13

Refer to Response 1 of this letter regarding funding sources.

COMMENT 14

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-6: How will the City "respond to parties interested in developing available sites for construction of senior housing units?"

RESPONSE 14

The City will implement funding mechanisms and remove governmental constraints as indicated in Programs A2, A3, A4, B1, B2, D2, and D3.

COMMENT 15

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe the means by which consistency will be achieved with other general plan elements (Section 65583(c)). While the element includes brief discussions of other elements of the general plan, and a program to provide for consistency between the General Plan and Zoning Ordinance, it is not clear whether the housing element is consistent with other elements of the general plan. If inconsistencies between elements exist, the housing element should describe how consistency will be achieved.

RESPONSE 15

No inconsistencies have been found between the Housing Element and other General Plan Elements except for the Land Use Element. Given information related to past accomplishments of the Housing Element and especially physical and environmental constraints, two policies will be removed from the Land Use Element. Please refer to page 28 of the Draft Element for additional discussion. The following modification will be made:

Page 60, Item D7 of the Draft Housing Element

The City will provide for consistency between the General Plan *Elements and between the General Plan* and Zoning Ordinance *through amendments. All zoning amendments*

suggested in the Housing Element programs are designed to provide further incentives for housing development. Residential uses shall not be permitted on City-owned property designated *in the General Plan* for Open Space or Public/Quasi-Public uses. Policies and programs from the Land Use Element which have been determined to be infeasible and not based on sound planning and environmental principles will be removed, including:

- The preparation of a Planned Unit Development Ordinance
- Possibility of housing on Blair Park or the Corporation Yard

COMMENT 16

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe how the City made a diligent effort, in developing the housing element, to achieve public participation of all economic segments of the community (Section 65583(c)). The element indicates that a public workshop was held and an advisory committee was formed. However, the element should describe how the citizens Advisory Committee on the Housing Element represented all economic segments of the community and what noticing steps, in addition to "State requirements and City standards," the City took to encourage public participation of all economic segments of the Community?

RESPONSE 16

Public participation is addressed on page 43 and in Appendix A to the Draft Element.

Page 43 of the Draft Element

On June 28, 1990, the City held a public workshop to solicit comments on the Housing Element Update. Notice of the Public Workshop was accomplished in accordance with State requirements and City standards. A copy of the meeting agenda and all comments from citizens are contained in Appendix A. In September 1990, a Citizens Advisory Committee on the Housing Element was formed under the guidance of the City Council. Four Advisory Committee Meetings were held in September and December 1990. Public hearings were scheduled and took place in February and April 1991.

Mr. Jeff Spano
September __, 1991
Page 19

More discussion will be added to page 43:

The City advertised for positions on the Advisory Committee in The Piedmonter. It is a local newspaper subscribed to by a large number of citizens in Piedmont who rely on it for publication of notices, etc. Applications were reviewed by the City Council. Considerations in the review were commitment, geographic location of the prospective member (to ensure that all areas of the City were represented), variety of background/expertise, and other considerations. Announcements of the public workshop and several Advisory Committee meetings and hearings were announced in The Piedmonter. Meeting information was also posted at City Hall.

SUMMARY

- We feel strongly that the Piedmont Housing Element is in compliance with State housing law. The proposed refinements suggested in this letter will provide an even more effective element. Thank you for your comments and assistance in the revision of the Housing Element. Please feel free to contact me at (415) 420-3040 or Lisa Grueter of STA Planning, Inc. at (415) 296-7760, should you have any questions.

Sincerely,

CITY OF PIEDMONT

Geoff Grote
City Administrator

GG:LG:DG:rc

August 12, 1991

No one wished to address the Commission.

PUBLIC HEARING: Draft Housing Element Update

Ms. Lisa Grueter of STA Planning, the City's consultant in the preparation of the update of Piedmont's 1984 General Plan Housing Element, summarized the update process, stated that the Draft Element has been reviewed by the State Department of Housing and Community Development (HCD), noted that HCD's comments and suggestions have been reviewed by STA and the City's Housing Element Advisory Committee, explained that the City's has prepared a proposed response to HCD via a letter to Mr. Jeff Spano, and recommended that the Commission review the Draft Element, HCD Response Letter, proposed Negative Declaration, take public testimony on the matter, and make recommendations related to the adequacy of the Draft Element, Response Letter and Negative Declaration.

Speakers: Arnie Brown, 127 Woodland Way
Harold Power, 101 Wistaria Way
Barbara Danoff, 10 Craig Avenue
Wally Haglund, 22 Craig Avenue
Charles Liechti, 150 Maxwellton Road

Mr. Brown, Chairman of the Housing Element Advisory Committee, summarized HCD's comments and concerns regarding the Draft Element and highlighted the City's proposed responses to said comments. He felt that the Draft Element and City Response Letter were appropriate and sufficient to satisfy state requirements and continued the spirit of the originally developed framework designed to allow Piedmont to meet its housing obligation as mandated by ABAG. Mr. Power criticized the City for not devoting more time to the public consideration and discussion of this important issue and suggested that the Commission recommend to the City Council that a greater publicity effort be undertaken to advise citizens of the proposed changes to the Housing Element (e.g. all-City mailer). He also suggested that the Council hold a special meeting for the exclusive purpose of discussing and considering the proposed Draft. Mrs. Danoff recommended that reference to 29 Craig Avenue as an "identified housing site" within the Draft Element be either deleted or amended to note on-going deliberations concerning this site. Mr. Haglund agreed. Dr. Liechti disagreed with the Draft Element's assertion that the Maxwellton area is suitable for low-cost/senior housing, citing his belief that the area's "view property" characteristics makes it economically unfeasible for low-cost housing and its absence of sidewalks, night lighting and distance from shopping districts and medical facilities makes it impractical for senior housing. He requested that the Draft delete mention of the Maxwellton area as a site suitable for low-cost or senior housing.

The Commission discussed the Draft Element and Response Letter and felt that since it is not the "lead agency" for the City (this responsibility falls to the City Council), it would be inappropriate for the Commission to make changes to the documents. However, the Commission recommended that the City Council consider the following issues during its review of the Element and Response:

-3-

RESOLUTION NO. 7-92

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PIEDMONT CERTIFYING AS
COMPLETE AND ADEQUATE THE NEGATIVE DECLARATION
FOR THE HOUSING ELEMENT UPDATE

WHEREAS, the Draft Negative Declaration provided environmental impact assessment for the Housing Element Update; and

WHEREAS, the Draft Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and State CEQA Guidelines; and

WHEREAS, the Draft Negative Declaration was circulated to State Agencies and to the public for comment and review for a review period of over 60 days; and

WHEREAS, oral comments and written comments were received from the public during the review period; and

WHEREAS, the Planning Commission of the City of Piedmont conducted a public hearing to receive public testimony with respect to the Draft Negative Declaration;

WHEREAS, the City Council of the City of Piedmont conducted a public hearing to receive public testimony with respect to the Draft Negative Declaration; and

WHEREAS, the City Council of the City of Piedmont has reviewed all environmental documents comprising the Negative Declaration and has found that the Negative Declaration considers all environmental impacts of the proposed Housing Element Update and is complete and adequate and fully complies with all requirements of CEQA and the CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED that the City Council does:

1. Determine that the Negative Declaration is comprised of the following elements:
 1. Draft Negative Declaration and accompanying Initial Study;
 2. Mitigation Monitoring Program;
 3. Planning Commission Minutes;
 4. City Council Minutes;
 5. Written comments as received during the review period;
 6. City Council Resolutions, Findings and Conditions for Recommended Approval.

2. Certify the Negative Declaration for the Housing Element Update as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with the requirements of the California Environmental Quality Act and the State CEQA Guidelines.

All of the above information has been and will be on file with the Public Works Department, City of Piedmont, City Hall, 120 Vista Avenue, Piedmont, California 94611, (510) 420-3050.

ADOPTED AND APPROVED THIS 21st day of January, 1992 by the following vote:

AYES: Rhodes, Foulkes, Hill, Kegley, Schey

NOES:

ABSENT/ABSTAIN:

ATTEST:



Ann Swift, City Clerk
City of Piedmont

RESOLUTION NO. 8-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
ADOPTING OF THE HOUSING ELEMENT UPDATE 1991.

WHEREAS, the City of Piedmont City Council appointed a Housing Element Advisory Committee comprised of Citizens to assist in the preparation of the Housing Element Update;

WHEREAS, the City of Piedmont Public Works Department conducted one public workshop and five public Citizens Advisory Committee meetings during the years 1990 and 1991 regarding the Housing Element Update and made proper public notification of these meetings in accordance with adopted City procedures; and

WHEREAS, the City of Piedmont Planning Commission conducted two public hearings during the year 1991 regarding the Housing Element Update and made proper public notification of these meetings; and

WHEREAS, the City of Piedmont City Council conducted two public hearings during the year 1991 regarding the Housing Element Update and made proper public notification of these meetings; and

WHEREAS, the City Council of the City of Piedmont adopted A General Plan for the City of Piedmont in November, 1984; and

WHEREAS, State law grants authority to the City of Piedmont to amend its General Plan; and

WHEREAS, the Housing Element is intended to provide comprehensive and long-term guidance to housing development; and

WHEREAS, the Housing Element Update will assist the City of Piedmont to make a good faith effort to meet regional housing needs and Statewide housing goals; and

WHEREAS, the Housing Element Update provides for a variety of housing types, especially senior housing; and

WHEREAS, a Negative Declaration has been prepared and circulated in accordance with the requirements of the, California Environmental Quality Act; and

WHEREAS, the City Council considered specific issues when reviewing the Housing Element Update 1991 as enumerated in the Planning Commission minutes and as identified below:

1. Add the Mansion Home Concept to Comment 4 and Response 4 or Comment 14 and Response 14 of the proposed City of

Piedmont Response Letter to the State Department of Housing and Community Development.

2. Add a footnote to the Adequate Sites Matrix explaining the status of the Craig Avenue site as under investigation.
3. Consider including Blair Park as an adequate site for a planned development including multi-family units and open space uses.
4. Consider deleting the Maxwellton site from the list of adequate sites due to potential development difficulties, access, and location.

and changes deemed appropriate and necessary by the City Council were made and specified in the Housing Element Update 1991.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby:

1. Find that a Negative Declaration has been prepared in accordance with CEQA and is adequate;
2. Find that it has reviewed and considered the contents of the Negative Declaration in making decisions regarding the project;
3. Find that a Mitigation Monitoring Program has been prepared in compliance with CEQA and is adequate;
4. Adopt the Housing Element of the City of Piedmont General Plan consisting of the following:
 - A. Housing Element Update April 15, 1991; the cover page of which is attached hereto as Exhibit A; as modified by
 - B. Modifications to the Housing Element Update recommended in the Letter Response to the Department of Housing and Community Development attached hereto as Exhibit B.
 - C. Modifications to the Housing Element Update recommended in the City Council staff report dated October 21, 1991 and as stated in City Council Hearing Minutes attached hereto as Exhibit C.

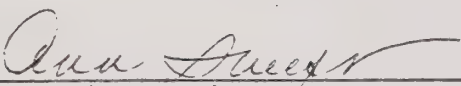
ADOPTED AND APPROVED this 21st day of January, 1992 by the following vote:

AYES: Rhodes, Foulkes, Hill, Kegley, Schey

NOES:

ABSENT/ABSTAIN:

ATTEST:



Ann Swift, City Clerk
City of Piedmont

EXHIBIT A

CITY OF PIEDMONT
DRAFT
HOUSING ELEMENT UPDATE

PREPARED FOR:

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CALIFORNIA 94611

PREPARED BY:

STA PLANNING, INC.
250 MONTGOMERY STREET, SUITE 1000
SAN FRANCISCO, CA 94104

APRIL 15, 1991

EXHIBIT B
CITY OF PIEDMONT
CALIFORNIA



OFFICE OF
CITY ADMINISTRATOR

January 30, 1992

Mr. Jeff Spano
Department of Housing and Community Development
Division of Housing Policy Development
1800 Third Street, Room 430
P.O. Box 952053
Sacramento, California 94252-2053

Dear Mr. Spano:

It is the opinion of the City of Piedmont that the Housing Element transmitted to you in April 1991 is in conformance with all requirements of State law, and further, that it has been accomplished with every intent to pursue an aggressive implementation of its programs.

In response to the Department of Housing and Community Development's review of the City of Piedmont's Draft Housing Element dated May 31, 1991, we would like to inform you that STA Planning, Inc. (STA) and the City of Piedmont have worked together to prepare responses to each of your concerns. Below we suggest refinements to the Element which have been considered by the Citizen's Advisory Committee, Planning Commission, and City Council. We believe that upon review of State law and incorporation of the refinements to the Piedmont Housing Element suggested herein, Piedmont will have an even more successful housing program. We have enclosed the Element as adopted by the City Council.

PREFACE

We would like to note that according to State housing element law (Government Code Section 65581), it was the intent of legislature:

1. To assure that Counties and Cities recognize their responsibilities to the attainment of the State housing goals;
2. To assure that Counties and Cities will prepare and implement housing elements which, along with federal state programs, will move toward attainment of the State housing goal;
3. To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal, provided such a determination is compatible with the State housing goals and regional housing needs; and [emphasis added]
4. To ensure that each local government cooperates with other local governments in order to address regional housing needs.

We believe that the revised Housing Element complies with the intent of State Housing Goals and will enable the City to make a good faith effort towards achieving State housing goals and regional housing needs.

All changes to the Draft Element are shown on following pages of this letter. Original information is indicated with a strikeout of the text, and modifications are shown in *bold italic* font.

COMMENT 1

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

The element should describe how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of a review of the prior element (65588(a)(1)).

According to the element, "The City implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to a lack of staff, alternate priorities, and lack of funding." To address issues identified with the City's program implementation deficiencies, the element indicates that the City is considering hiring additional planning staff, and it now includes various state and federal funds available to interested parties. The element also states that the City will "continue to include housing programs when prioritizing community issues to be addressed." However, the element does not include program actions to commit the City to apply for any federal or state funds, or to demonstrate that housing for all income levels will become a higher City priority.

RESPONSE 1

Several paragraphs from the Housing Element describe what has been learned and incorporate what has been learned through the review of the past Element:

Pages 43-44 of the Draft Element

A review of the information in Table X indicates that the City of Piedmont has implemented 9 of 15 identified programs (60 percent) over the past several years including preparation of a Zoning Ordinance and Map. Approximately 40 percent or 6 of 15 programs have not been implemented. Five of the six programs not implemented were studies.

The status of several programs was discussed with City staff members and elected decisionmakers. Attention was focused on key programs such as preparing a zoning ordinance, second unit ordinance, and participating in the Community Development Block Grant program with Alameda County. For the programs not implemented, lack of City staff time, alternate priorities, and lack of financing were cited as reasons for lack of implementation.

The Growth Management program was probably not adopted due to its limited applicability to the City of Piedmont, a built out community with limited vacant land and no areas for expansion.

The City Council sets priorities and funding sources. The areas studies since 1984 include the following major items:

1. Second Units
2. Zoning Ordinance Update
3. Application for CDBG funds
4. Turfed Facilities
5. Infrastructure Improvements (wastewater and sidewalks)
6. Residential Design Review Guidelines

To address the concerns related to lack of City staff time, the City is considering hiring additional planning staff. To address lack of funds, more funding sources are indicated in the Housing Element. In the past, the City Council has supported the housing programs from the 1984 Housing Element. It is anticipated that due to the growing state requirements related to Housing Elements, and housing development issues, the City will continue to include housing programs when prioritizing community issues to be addressed. [emphasis added]

Page 45 of the Draft Element

In order to facilitate housing development, several programs have been included in this Housing Element which will guide the City in its efforts to plan and develop housing according to community needs. The programs identify potential housing sites, provide suggested funding mechanisms, and remove governmental constraints. [emphasis added]

Since preparation of the Draft Element, an additional staff person has been hired to assist in planning matters. This action will be added to the discussion on page 44 of the Draft Element:

To address the concerns related to lack of City staff time, the City ~~is considering hiring~~ *has hired an* additional planning staff *member* . . .

In addition, it should be noted that the City's implementation of the CDBG program as a program from the 1984 Element did result in assistance to low-income families:

Page 41 of the Draft Element

Regarding housing, there have been 5 CDBG loan grant recipients since 1987 including:

- Four (4) minor home repair grant recipients.
- One (1) major rehabilitation loan recipient with a 15 year loan term. This loan term will expire subsequent to the year 2000. This unit is not a multi-family rental unit.

All recipients were low income according to the State definition. (City of Piedmont Records). The major loan was given to the owner-occupant of a single-family home. There are no assisted multi-family rental units at risk for conversion to market-rate units.

The City plans to continue participation in the CDBG program and to investigate other funding sources. The City is currently meeting with the County of Alameda and other jurisdictions in the County to prepare a joint application for the California Homeownership Assistance Program. In Piedmont, funds could be used to assist renters to purchase a dwelling unit or a share entitling occupancy for units converting to condominiums. This program is currently listed under Implementation Program A2 of the Housing Element.

As is stated in the description of each Implementation Program section, the Housing Element will be reviewed annually for progress. This will help ensure that housing programs will become a higher priority for the City.

In order to demonstrate the City's commitment towards applying for funds, Implementation Programs A2 and B2 will be modified (as well as all programs related to funding):

- A2. The City will assist all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households. ~~The City will make information available and/or direct interested parties to the appropriate agency.~~ *The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made*

regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program.

- B2. The City will designate a Housing Coordinator. Responsibilities of the Housing Coordinator shall include, but are not limited to, developing a pilot program to package housing incentives and funding sources aimed at developing affordable housing. *The City will also consider establishing a Task Force to assist the Housing Coordinator in implementing the Housing Element.*

COMMENT 2

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

With regard to the City's priorities, the City's land use policies continue to indicate that the City's priorities are for park-land and low-density residential development. For example, according to the element, "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 2

City decisionmakers and voter mandates have determined that it would be inappropriate to remove parks and recreational uses in favor of housing in densely developed urban areas. In addition to housing elements, State law requires the preparation of open space elements. The open space element must address parkland.

The Piedmont Housing Element reflects the City's efforts to comply with State law in protecting open space and parks. We are sure that you are not suggesting to develop urban housing units in place of existing parks in areas such as Piedmont. Most important is the fact that under the Piedmont Housing Element we can meet both the housing and recreation needs of our residents.

The City of Piedmont remains limited by the lack of available open space on which to build housing or develop grassland parks:

Page 8 of the Draft Element

Since 1960 the City has been essentially built out as indicated on Table B. **The housing stock has not increased substantially since 1960.** The 1984 Housing Element identified 60 vacant buildable lots. An inventory of vacant and underutilized

land conducted in May 1990 revealed approximately 13 sites, with 11 of the sites considered feasible for housing construction. The vacant land survey is discussed in further sections. [emphasis added]

Page 29 of the Draft Element

Recreational Facilities and Programs Element policies require adequate use of land for recreational facilities, and parks. According to the Element "a city of Piedmont's size (10,000 residents) should have 14 acres of grass play fields (Base Source: Purdue University, Guidelines for Evaluating Public Parks and Recreation).\" However, the City had only 4.6 acres in 1984. Since 1984, approximately 0.5 acres have been developed with grass playfield uses. [emphasis added]

Element policies require 65-110 acres for developed parkland. Existing parkland in the City amounts to 38 acres. Including all open space run by the City, schools, and Oakland, open space totals 53 acres. Many of the policies have been or are in the process of being implemented. The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land. [emphasis added]

Since the 1984 General Plan, a Turfed Facilities Task Force has studied potential recreation uses in the Moraga Canyon area. No consensus has been reached on use of the property (Task Force Meeting Minutes 1990)

Page 41 of the Draft Element

Table W presents a 1990 estimate of vacant land suitable for residential development. All vacant and underdeveloped properties deemed suitable for residential development were assessed. Two properties designated for open space or public use by the General Plan were rejected from consideration. Appendix B contains the survey of vacant and underutilized properties as well as sites rejected from consideration. Land is available to meet the City's total construction needs. [emphasis added]

The City of Piedmont is attempting to balance several needs of the community. Needs of the community include parks as well as housing. In general, parks and housing compete for the same available land. However, the City has identified adequate sites which are currently designated for residential uses. None of the adequate sites are proposed for park uses. Housing proposed on these particular sites will not "compete" with parks. Land is available to meet the City's total construction needs as indicated on page 41 of the Draft Element.

It should also be noted that Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

The City, like other jurisdictions, is located in the inner Bay Area where limited land is left for urban development or open space uses. The City, through this ambitious 1991 Housing Element, will ensure that housing is a priority. (Refer to Response 1). An annual review of the Element as required will aid in prioritizing housing issues.

COMMENT 3

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Later the element states, "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built." While these constraints are discussed in the element, the element does not incorporate program actions to address them.

RESPONSE 3

The Housing Element describes the policies promoting affordable multiple dwellings through density bonus provisions, zoning ordinance, amendments, adaptive reuse, and mixed uses for several sites.

Page 60, Draft Element

Implementation Program D2 describes the proposed density bonus ordinance:

The City will create a separate implementing ordinance or amend the Zoning Ordinance to permit the granting of residential density use bonuses or other incentives for very low and/or low income developments in order to comply with Governmental Code Sections 65915 and 65917.

In addition, Implementation Program B1 on page 57 of the Draft Element describes adaptive re-use and mixed uses for specific sites.

In order to demonstrate the City's commitment towards providing affordable multiple dwellings, the City will insert the following Implementation Program.

The City will conduct a study of all existing multi-family developments to ascertain existing densities. Recommendations related to density standards for future multi-family units will be made. The City will seriously consider revising the Zoning Code to allow multiple dwellings to be developed at one dwelling unit per less than 2,000 s.f. of lot area.

The City will also add the following language to Implementation Program B1 on page 57:

1. Through the Municipal Code, the City will continue to allow residential units in commercial districts. Particular emphasis will be placed on senior housing. In addition, the City will ~~consider~~ *conduct studies by December 1992 which will make specific recommendations related to* general plan redesignation, code amendments, adaptive re-use, mixed-use zoning, and density increases or other incentives for the following:

- Grand Avenue Commercial
- PG&E Storage Building Site
- Maxwellton Property

The City will offer other incentives as appropriate to the site: fee waivers, parking standard modifications, and others deemed appropriate in the proposed study. Findings of the study shall be presented to the City Council for implementation within 6 months of study completion.

The Grand Avenue Commercial area consists of several underutilized properties which could support mixed use developments. Redesignation to mixed uses will be considered as part of the analysis proposed in Implementing Program B1.

The PG&E substation building site will be considered for adaptive re-use. The City will consider mediation or negotiation to purchase or help assist a non-profit organization to purchase or lease the site. Since the site is utilized as a "laydown" area for PG&E operations in the Piedmont and Oakland area, the City is willing to meet with PG&E representatives to discuss the use of other areas in the City for a "laydown area." One such area could be the City's Corporation Yard.

The Maxwellton site would be appropriate for a multi-family, townhouse, or condominium development. The market rate units could support some below market rate units in the same proposed development. The City will consider redesignation and density increases as

appropriate. As another incentive, the City owns the access easement to this property as indicated in Appendix B of the Housing Element.

In sum, the City plans to prepare a density bonus implementing ordinance, to study and amend the Zoning Ordinance, and to investigate and offer additional incentives for several sites in Piedmont.

COMMENT 4

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comments:

The City's priorities are also of particular concern to us since, unfortunately, most of the programs which were not implemented were those which could have resulted in information or actions to identify additional housing sites or to provide affordable housing opportunities for first-time homebuyers, low- and moderate-income households, and elderly residents. Conversely, programs which were implemented included the establishment of a ". . . single family residential estate zone with a minimum lot size of 20,000 square feet. . .," and a second unit ordinance which limits second unit occupancy to ". . . gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite. . ."

We note that our February 24, 1987 letter regarding our review of the City's draft second unit ordinance, stated, "In light of the need for elderly housing in Piedmont as described in the adopted housing element, facilitating the development of second units would enable the City to meet an identified need within the intent of the State second unit law." However, it appears that the second unit ordinance virtually precludes the use of second units to meet the City's need for affordable elderly housing.

RESPONSE 4

The City's use of CDBG funds as proposed in the 1984 Housing Element has resulted in the assistance of low-income families making home repairs. This has been discussed above.

The City will offer several incentives to encourage affordable housing and will also study and revise the minimum square foot requirement in the Multi-Family Zone.

Several paragraphs on Chapter 17D from the Draft Element discuss "second units":

Page 34 of the Draft Element

Chapter 17D regulates the use and development of second units. Second units are known as in-law apartments, granny flats, and accessory apartments. By definition a second unit is ". . . an additional residential unit on the same lot which provides complete independent living facilities for one or more person" (HCD March 1989). They offer a source of relatively affordable housing within a community. A community may ease a rental housing deficit with second units. They, in some instances, can enable the elderly to extend independent living time.

If a local government does not wish to use State criteria for second units, the locality can adopt their own second unit ordinance. Piedmont's Second Unit Ordinance was adopted in 1988 by the City Council. The ordinance distinguishes between two types of units:

- 17.D.1(a) "Second dwelling unit" is one or more living, sleeping and other rooms contained in an existing structure or on the same parcel of land, containing a kitchen, and sanitary facilities, and used as a self-contained residence for consideration by a person or persons not members of the owner's immediate family. The second dwelling unit and the primary residence unit must be under the same ownership.
- 17.D.1(c) "Separate living quarters" is a dwelling unit which would be a "second dwelling unit" as defined in 17D.1(a) except that:
 - (1) No rent or consideration is given; or
 - (2) The unit is occupied by gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite for a single employer and such employees have not other employment and are taking no more than six units per quarter or semester at a bona fide institution of higher learning.

As indicated above, a Separate Living Quarter is defined by either of two criteria:

- (1) No rent or consideration is given; or
- (2) The unit is occupied by gardeners, butlers, maids, etc.

Criteria #1 would not preclude use of a Separate Living Quarter by family members. In addition, twenty-nine second units are exempt from the City's Second Unit Ordinance. Elderly persons or other persons could reside there. Please refer to page 34 of the Draft Element.

The City Council has indicated its commitment towards fair and adequate implementation of the City's second unit ordinance. Due to the Council's satisfaction that careful and fair implementation of the ordinance is underway, the Council voted to delete Implementation Program D3 from the Housing Element.

~~The City will review the second unit ordinance. The registration period for second units may be extended from 1991 to 1994 to coincide with the next mandated Housing Element Update for 1995. The City Council will establish a Citizen's Committee to study the second unit issue in more detail.~~

Adequate capacity exists to meet the City's fair-share housing allocation as determined by ABAG. Several programs are provided to promote senior housing as indicated on Response 14, page 17 of this letter.

COMMENT 5

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Establish the maximum number of housing units which can be rehabilitated and conserved during the planning period of the element (Section 65583(b)). The rehabilitation objective is the number of units expected to be rehabilitated during the time frame of the element. The conservation objective refers to the preservation of the existing affordable housing stock.

RESPONSE 5

The rehabilitation objective is zero. The Draft Element has not identified any serious housing condition problems:

Page 22 of the Draft Element:

In Piedmont, the age of the housing stock may not present a true picture of the general condition of housing. Most homes are well-built and exceptionally well-maintained, and many homes have been renovated or extensively remodeled over the years.

Few units are in disrepair. Alameda County has notified the City of one home needing minor repairs. Some problems do exist, but none are considered to have any potential threats to occupant health or safety.

As discussed above, the City has granted five rehabilitation loans utilizing CDBG funds to low-income families. The number of units needing rehabilitation is estimated to be zero.

No existing assisted affordable developments are located within the City. Please refer to page 41 of the Draft Element. The conservation objective is estimated to be zero. Occupant income information related to the existing "exempt" second units (described on page 34 of the Draft Element) is unavailable. It cannot be determined whether they are rented at affordable levels.

The following table will be added to the Element:

TABLE Z
HOUSING OBJECTIVES

<i>TYPE</i>	<i>OBJECTIVE</i>
<i>New Construction</i>	<i>Very Low Income</i> <i>6 d.u.'s</i> <i>Low Income</i> <i>4 d.u.'s</i> <i>Moderate Income</i> <i>5 d.u.'s</i> <i>Above Moderate Income</i> <i>14 d.u.'s</i> <i>Total</i> <i>29 d.u.'s</i>
<i>Rehabilitation</i>	<i>Zero (0)</i>
<i>Conservation</i>	<i>Zero (0)</i>

Source: STA Planning, Inc.

Note: d.u. = dwelling unit

COMMENT 6

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Identify adequate sites which will be made available through appropriate zoning and development standards to facilitate the development of a variety of types of housing for all income levels (Section 65583(c)(1)). The land inventory appears to identify enough sites to address Piedmont's "total" regional share of new construction need. However, in our opinion, due to the low-density of the City's single-family zone (2-4 units per acre) it is unlikely that the City can accommodate its moderate-income need within this zone. Since the City's combined regional share of new construction need for low- and moderate-income households totals fifteen units and the City's multi-family zone only identifies sites for eight units, a shortfall of sites for seven units exists.

In addition, considering the City's multi-family zone minimum density (8 units per acre), and its maximum density (20 units per acre), the element should demonstrate that a realistic potential exists for the development of multi-family sites at the maximum allowed density, and that the maximum allowed density is high enough to accommodate the City's projected need for lower-income households. The City could provide examples of recent multi-family developments affordable to lower-income households built at the maximum allowed density, include programs to encourage multi-family site development at the high end of the allowed density range, or, where existing densities are not adequate, include additional program actions along with increased densities to facilitate lower-income housing. Such programs could include fee waivers, the purchase of a site by the City for development of affordable housing, and relaxed parking requirements, where appropriate.

RESPONSE 6

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 7

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)). The element

identifies a number of governmental constraints. Therefore, in our opinion, the element should also include program actions to mitigate or remove those constraints. Examples of constraints which should be mitigated or removed are listed below:

- a. Page 29: "The parkland policy result in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 7

Please refer to Response 2 of this letter which discusses parks and housing.

COMMENT 8

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- b. Page 30: "Multiple dwellings cannot exceed one dwelling units per each 2,000 square feet of lot area, (Chapter 17.73, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built."

RESPONSE 8

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 9

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- c. Page 33: "The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units."

RESPONSE 9

It is important to note that the City has granted variances to the Zoning Ordinance in the past. This is discussed on page 36 of the Draft Element. The Ordinance will be reviewed

and revised to modify the height requirement. The City will add the following Implementation Program to the Housing Element:

The City will seriously consider revising the Zoning Ordinance related to multi-family uses to allow a maximum height of 50 feet instead of 35 feet for low and moderate income developments.

The location of the PG&E substation building next to the Oakland Avenue bridge would possibly be an area where an increase in height would not present aesthetic constraints.

COMMENT 10

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- d. "In Zone C, multi-family units are conditionally permitted. Due to the perception that affordable housing reduces property values, this provision could constrain the types of housing approved."

RESPONSES 10

The City will study and revise the Zoning Ordinance to make multi-family uses permitted in the multi-family zone. The following program will be added:

The City will seriously consider revising the Zoning Ordinance to make multi-family uses permitted in the Multi-Family Zone.

COMMENT 11

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- e. Page 34: "Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing."

RESPONSE 11

The constraint cannot be removed. It is a City charter provision. It is well beyond the authority of the State related to Housing Elements to require an amendment to the City Charter. This voting procedure has been in place since the City's incorporation.

Further Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

More importantly, under current zoning, the City has adequate capacities to meet construction needs. With the inclusion of other incentives described previously, a good faith effort will be made to achieve objectives.

COMMENT 12

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

In our opinion, the element should more specifically describe the actions Piedmont will take to implement programs to ensure that the City can meet housing element program requirements (Section 65583(c)(1-5)). In light of the City's program implementation deficiencies during the previous planning period, the element's programs related to affordable housing opportunities should reflect a stronger commitment toward implementation. For example:

Program A-1: What specific steps will the City take "to meet its fair share of housing as determined by ABAG?"

RESPONSE 12

The purpose of Implementation Program A1 is to establish the City's housing objectives. All other programs under Goals A, B, and D will help ensure new construction goals are pursued.

COMMENT 13

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-2 & A-3: In addition to assisting "all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households," does the City plan to apply for any of the federal and state funding sources listed?

RESPONSE 13

Refer to Response 1 of this letter regarding funding sources.

COMMENT 14

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-6: How will the City "respond to parties interested in developing available sites for construction of senior housing units?"

RESPONSE 14

The City will implement funding mechanisms and remove governmental constraints as indicated in Programs A2, A3, A4, B1, B2, D2, and D3.

COMMENT 15

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe the means by which consistency will be achieved with other general plan elements (Section 65583(c)). While the element includes brief discussions of other elements of the general plan, and a program to provide for consistency between the General Plan and Zoning Ordinance, it is not clear whether the housing element is consistent with other elements of the general plan. If inconsistencies between elements exist, the housing element should describe how consistency will be achieved.

RESPONSE 15

No inconsistencies have been found between the Housing Element and other General Plan Elements except for the Land Use Element. Given information related to past accomplishments of the Housing Element and especially physical and environmental constraints, two policies will be removed from the Land Use Element. Please refer to page 28 of the Draft Element for additional discussion. The following modification will be made:

Page 60, Item D7 of the Draft Housing Element

The City will provide for consistency between the General Plan *Elements and between the General Plan* and Zoning Ordinance *through amendments. All zoning amendments*

suggested in the Housing Element programs are designed to provide further incentives for housing development. Residential uses shall not be permitted on City-owned property designated *in the General Plan* for Open Space or Public/Quasi-Public uses. Policies and programs from the Land Use Element which have been determined to be infeasible and not based on sound planning and environmental principles will be removed, including:

- The preparation of a Planned Unit Development Ordinance
- Possibility of housing on Blair Park or the Corporation Yard

COMMENT 16

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe how the City made a diligent effort, in developing the housing element, to achieve public participation of all economic segments of the community (Section 65583(c)). The element indicates that a public workshop was held and an advisory committee was formed. However, the element should describe how the citizens Advisory Committee on the Housing Element represented all economic segments of the community and what noticing steps, in addition to "State requirements and City standards," the City took to encourage public participation of all economic segments of the Community?

RESPONSE 16

Public participation is addressed on page 43 and in Appendix A to the Draft Element.

Page 43 of the Draft Element

On June 28, 1990, the City held a public workshop to solicit comments on the Housing Element Update. Notice of the Public Workshop was accomplished in accordance with State requirements and City standards. A copy of the meeting agenda and all comments from citizens are contained in Appendix A. In September 1990, a Citizens Advisory Committee on the Housing Element was formed under the guidance of the City Council. Four Advisory Committee Meetings were held in September and December 1990. Public hearings were scheduled and took place in February and April 1991.

Mr. Jeff Spano
January 30, 1992
Page 19

More discussion will be added to page 43:

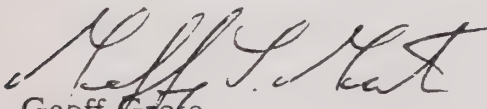
The City advertised for positions on the Advisory Committee in The Piedmonter. It is a local newspaper subscribed to by a large number of citizens in Piedmont who rely on it for publication of notices, etc. Applications were reviewed by the City Council. Considerations in the review were commitment, geographic location of the prospective member (to ensure that all areas of the City were represented), variety of background/expertise, and other considerations. Announcements of the public workshop and several Advisory Committee meetings and hearings were announced in The Piedmonter. Meeting information was also posted at City Hall.

SUMMARY

We feel strongly that the Piedmont Housing Element is in compliance with State housing law. The proposed refinements suggested in this letter will provide an even more effective element. Thank you for your comments and assistance in the revision of the Housing Element. Please feel free to contact me at (415) 420-3040 or Lisa Grueter of STA Planning, Inc. at (415) 296-7760, should you have any questions.

Sincerely,

CITY OF PIEDMONT



Geoff Grote
City Administrator

GG:LG:DG:rc

EXHIBIT C

CITY OF PIEDMONT

City Council Meeting Minutes

January 21, 1992

City Council

Skip Rhodes, Mayor
Katy Foulkes, Vice Mayor
Susan Hill
Milt Kegley
Walter Schey

Department Staff

Lori Salamack, City Planner
Cark Kuney, Finance Director
Ann Swift, City Clerk

City Administrator

Geoffrey Grote

Deputy City Attorney

Linda Roodhouse

Recording Secretary

Christine Harbert

CALL TO ORDER

Following a 6:30 p.m. Closed Session regarding salary, benefit and potential litigation matters held pursuant to Government Code Section 54957.6, Mayor Rhodes called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on January 16, 1992.

INTRODUCTION

The Mayor introduced Mr. Bob Tuck and members of Den 1, Pack 4 of the Beach School Cub Scouts attending tonight's meeting as part of earning their citizenship badges.

CONSENT CALENDAR

APPROVAL OF COUNCIL MINUTES, January 6, 1992

APPROVAL OF ORDINANCE RESTRICTING LEFT TURNS ONTO MONTE AND MESA AVENUES

Resolution 6-92

RESOLVED, that the City Council adopts the Consent Calendar which: (1) approves as submitted Council meeting minutes of January 6, 1992; and (2) approves the first reading of Ordinance #530 prohibiting left turns from Moraga Avenue onto Mesa and Monte Avenues between the hours of 6:30 a.m. and 9:30 a.m. (0705/1060).

Moved by Foulkes, Seconded by Hill. MOTION CARRIED UNANIMOUSLY
(Rhodes, Foulkes, Hill, Kegley, Schey)

The foregoing Consent Calendar items automatically include by reference all staff recommendations in the supporting agenda documents unless otherwise indicated to the contrary.

PUBLIC FORUM

Morgan Taylor, 89 Ramona Avenue

In response to his comments under the Public Forum at the January 6 meeting, Mr. Taylor acknowledged that his adjacent neighbors do not support his request for a 4-hour parking zone along his block of Ramona Avenue as a means of mitigating the parking congestion caused by a commercial painter's habit of parking his business vehicles on the street. However, Mr. Taylor stressed that he still desires parking relief in front of his home and requested that the curb in front of his property be designated for permit parking only. The City Administrator reviewed the City's policy of not imposing parking restrictions without the consent of a neighborhood nor of creating special parking arrangements or permits for individuals. The Mayor requested the Administrator to discuss the issue in more detail with Mr. Taylor.

REGULAR CALENDAR

PUBLIC HEARING: Proposed General Plan Housing Element Update

Mr. Fred Talarico and Ms. Lisa Greuter of STA Planning, Inc., the City's consultant in preparing Piedmont's update of its General Plan Housing Element, briefly highlighted the state mandates governing the update, commented on the Draft Element's preparation and extensive review, acknowledged the valuable assistance of the City's Housing Element Advisory Committee, and enumerated the four major issues raised by the Planning Commission during its August 12, 1991, review of the Draft: (1) consideration of Blair Park as a possible site for affordable housing construction; (2) consideration of the Mansion Home concept as a means for providing senior citizen housing; (3) re-examination of the Maxwellton Road property as an adequate housing site; and (4) inclusion of more specific information regarding the Craig Avenue site identified in the Adequate Sites Land Survey. It was noted that item (4) was resolved October 7, 1991, when the Council approved a lot line adjustment creating one 6,000 sq. ft. parcel known as 29 Craig Avenue. In addition, Mr. Talarico and Ms. Greuter requested the Council to consider the Draft's recommendation for a 3-year extension of the amortization period for non-exempt second units. Mr. Arnie Brown, Chairman of the Housing Element Advisory Committee, reviewed the Committee's 16-month involvement in the Update project, stated his belief that the Draft complies with state mandates while being tailored to Piedmont's particular situation, noted the Committee's recommendation for retaining in the Draft the inclusion of the Maxwellton Road area as a possible site for affordable housing (given the City's severely limited capacity for new development all potential sites should be subject to consideration) and explained why the Committee supports an extension of the second unit amortization period set to expire this month (second units provide additional housing opportunities).

Speakers: Christine Brown, 1 Bellevue Avenue
Harold Power, 101 Wistaria Way
Karen Mai, 206 Pacific Avenue

Mrs. Brown, speaking on behalf of her in-laws who own 117 York Drive, requested that the amortization period for non-exempt second units not be extended because of the hardships in terms of neighborhood congestion such units/rentals cause. She particularly requested that the illegal unit at 130 York Drive not be approved and that special exceptions from the second unit ban be granted only for documented cases where the units house displaced victims of the October 17 Oakland/Berkeley Hills' firestorm. The Mayor acknowledged Council receipt of a January 20 letter from Mr. Randy Wu and Ms. Lorraine Chao of 130 York Drive requesting extension of the amortization period. Mr. Power read a prepared statement recommending that: (1) the amortization period not be extended until after a citizens committee is charged to examine and report on the matter; and (2) Blair Park be considered as a potential development site for low and medium income housing. Mrs. Mai, speaking on behalf of the Piedmont League of Women Voters, urged adoption of the Draft. Following closure of the public hearing, Mr. Talarico and Ms. Greuter answered questions from the Council regarding the intent and language of several of the Draft's policies and implementation programs.

The Council discussed the Draft, voicing consensus for not extending the second unit amortization period. Councilman Schey expressed concern over the Draft's pattern of including "untested" ideas and concepts, placing the burden on the City Council for proving such suggestions not feasible. The remaining Councilmembers supported the Draft as amended to delete the second unit extension proposal, concurred re the desirability of retaining the identification of the upper Maxwellton property as a potential development site, and endorsed the concept of Mansion Homes as a means of providing more housing options to Piedmont's senior citizens for remaining in the community.

Resolution 7-92 (0515)

RESOLVED, that the City Council adopts the attached Resolution certifying as complete and adequate the Negative Declaration for the Housing Element Update.

Moved by Hill, Seconded by Foulkes. MOTION CARRIED UNANIMOUSLY
(Rhodes, Foulkes, Hill, Kegley, Schey)

Resolution 8-92 (0515)

RESOLVED, that the City Council adopts the attached Resolution adopting the Housing Element Update of 1991 as amended herein to delete on page 60, Implementation Program No. 3.

Moved by Hill, Seconded by Foulkes. MOTION CARRIED UNANIMOUSLY
(Rhodes, Foulkes, Hill, Kegley, Schey)

REVIEW OF PROPOSED RATE INCREASE FOR OAKLAND SCAVENGER

Per the January 6 meeting, the Council resumed its consideration of proposed 1992 rate increases for Oakland Scavenger (OSC). In addition to the two rate increase options submitted on January 6, the Finance Director presented a third option which included a mini-can collection rate for Piedmonters who recycle and thus do not need full 1 or 2 can weekly service.

Speakers: Perry Kennan, 9 Abbott Way
Pat Markovich-Treece, 132 Olive Avenue

Mr. Kennan supported increasing OSC rates, however, he requested that OSC's management of the Moraga Avenue transfer station be upgraded to: (1) improve the cleanliness and appearance of the site; (2) eliminate the deposit of non-Piedmont generated refuse; (3) eliminate the deposit and storage of "wet garbage" which attracts rats and other vermin; and (4) enforce OSC's observance of an "after 8 a.m." activity starting time. Ms. Markovich-Treece cited numerous problems and incidents of property damage caused by OSC employees trespassing on her property during the collection of garbage from adjacent residences. She noted that OSC has been extremely unresponsive to her requests and unaccountable for the damage done to her landscaping and trellises. The Council acknowledged a letter received January 21 from Mr. R. Walker urging that OSC rates not be increased. At 8:45 p.m., Mayor Rhodes excused himself from the meeting (business trip) and passed the gavel to the Vice Mayor.

Mr. Scott Hobson of Hilton, Farnkopf & Hobson responded in detail to the questions raised by the Council on January 6 concerning his firm's review and audit of OSC's operations. During the lengthy question and answer session, Mr. Hobson explained that the Joint Refuse Rate Review Committee is proposing the equivalent of a 5.7% profit on expenses for OSC in 1992 which is at the low end for refuse businesses in California, is significantly less than what has been granted to OSC in prior years, and reflects the Committee's dissatisfaction with OSC's substandard performance. In addition, the significant increase in Piedmont rates for 1992 reflect: (1) the new change in assigning collection costs -- starting in 1992 costs are determined and assessed per jurisdiction rather than area wide; (2) the fact that the cost of garbage collection in Piedmont has outpaced the standardized rate increases granted in the past; (3) the topography, narrow streets, density and rear yard service characteristics of Piedmont cause collection service to be more time consuming and costly for OSC; (4) Piedmont's considerable distance from the Davis Street Transfer Station and Altamont Landfill; (5) Piedmont's lack of significant commercial collection and dump box activity to off-set residential collection costs; and (6) Piedmont's highly successful recycling program which has reduced rate revenue to OSC.

Mr. David MacDonald, Executive Vice President of OSC, stated that he would take immediate action to solve the problems cited by Ms. Markovich-Treece, agreed with reasons given for why Piedmont's rate increase is so high, and remarked that OSC is protesting the

substantial decrease being recommended by the Committee on OSC's Return on Equity. The Council discussed with Mr. MacDonald the community's dissatisfaction with OSC service in terms of collection activity beginning before 7:30 a.m., its carelessness in pick-ups, its traffic violations, and its disregard for private property. The Council was adamant regarding the need for OSC to address its violations of the franchise agreement with Piedmont and change its mode of operations to comply with franchise requirements. Per Council request, Mr. MacDonald agreed to provide specific information regarding the number of cans cancelled as a result of Piedmont's recycling program and the effect the recycling program has had on Piedmont generated revenue and costs.

Resolution 9-92

RESOLVED, that the City Council defers action on proposed rate increases for Oakland Scavenger Company until such time as Oakland Scavenger provides a satisfactory response to complaints regarding before 7 a.m. collection activity, traffic violations, transfer station management, and collection carelessness by garbage crews.

Moved by Schey, Seconded by Kegley.

Before voting on Resolution 9-92, the City Administrator voiced his concurrence with the Council's demand that franchise violations be addressed and resolved by OSC, but he strongly recommended that rate increase approval not be deferred because of the detrimental effect such delay would have on Piedmont's share of the accumulated deficit and the burden which would be placed on citizens by a necessary retroactive rate adjustment later in the year. The Administrator assured the Council that staff intends to strongly pursue OSC compliance with City regulations. Mr. MacDonald also voiced OSC's intent not to violate City restrictions and to comply with franchise requirements. He stated that OSC would be in compliance within 2 to 3 weeks from tonight. RESOLUTION 9-92 WAS WITHDRAWN.

The Council then discussed the three rate increase options, with Councilman Schey supporting the "mini-can" concept but opposing Option #3 because of a belief that the cost of mini-can service was too high in relation to the 1-can collection rate and imposed too high of a cost on ratepayers for 2-can service. He felt that Option #2 offered the lowest cost formula for subscribers.

Resolution 10-92 (0700/0465)

RESOLVED, that the City Council approves the following 1992 rate increase for Oakland Scavenger Company:

	<u>Rate Per Month</u>
<u>Residential</u> (weekly pick-up)	
One can (32 gal or less)	\$ 9.65
Each additional can (32 gal or less)	10.60

Commercial

One can (32 gal or less) (weekly pick-up)	11.35
Each additional can (32 gal or less) (weekly pick-up)	11.35
Drop Box & Commercial Loose Yardage	9.35/yard
Drop Box & Commercial Compacted Yardage	18.70/yard

Moved by Kegley, Seconded by Schey. MOTION CARRIED 4 to 0 (Foulkes, Hill, Kegley, Schey) Rhodes Absent

RECEIPT OF LEASE RENEWAL PROPOSAL FROM PIEDMONT SWIM CLUB

The City Administrator acknowledged City receipt of a November 22, 1991, proposal from the Piedmont Swim Club requesting that lease renewal negotiations with the Club be initiated as soon as possible. Because several major issues are involved with renewing the Club's lease, the Administrator recommended that the matter be either: (1) referred to a City committee for financial analysis and policy advice; (2) a City Council subcommittee; or (3) to staff with authorization to negotiate lease terms and conditions per Council direction. The Administrator noted that the Municipal Tax Review Committee has volunteered to assist the Council in this matter.

Speakers: Phil Boesche, 42 Highland Avenue
Harold Power, 101 Wistaria Way

Mr. Boesche, legal counsel to the Swim Club Board of Directors, emphasized the Club's desire to have a speedy resolution of lease negotiations because of the detrimental effect the uncertainty of whether the Club will continue in existence and under what terms is having on current and prospective members. He supported referral of the matter to the Tax Committee provided the Committee's charge is specifically defined and a deadline is imposed for Committee recommendation. Mr. Boesche added, however, that a member of the Tax Committee is also a senior partner in his law firm. Mr. Power urged that consideration of lease renewal not be rushed and that adequate public notice and review of the issue be provided. He requested information regarding the Club's Board of Directors, its bylaws and its financial statements.

Councilmember Schey supported referring the matter to a Council subcommittee since the philosophical questions relating to pool use, ownership, management, etc. will ultimately have to be decided at the Council level. The Council agreed and referred the matter to Mayor Rhodes for the appointment of a Council subcommittee. Councilmember Schey volunteered to serve on the subcommittee.

APPROVAL OF ORDINANCE RELATING TO HOME OCCUPATION PERMITS

The City Clerk submitted a proposed ordinance amending Chapter 17B of the City Code to clarify the procedures relating to the issuance of

home occupation permits. The Council reviewed the ordinance and agreed to the following changes:

Section 17B.2.a. -- "There shall be no employee or other person involved in the home occupation other than members of the resident family living on the premises." (language was deleted)

Section 17B.2b. -- "The occupational use shall not generate pedestrian or vehicular traffic beyond that normal to the district or neighborhood in which it is located and no business invitees shall be permitted to visit the premises on which the occupation is conducted on matters relating to the occupation."

Section 17B.2.i. -- line 5: ". . . sale of scrap metals, . . ."

Section 17B.2.j. -- line 2: ". . . sale of a residence or the normal advertising . . ."

Resolution 11-92 (0705/0550)

RESOLVED, that the City Council approves as amended herein the first reading of an Ordinance, attached hereto, amending Chapter 17B of the City Code regarding home occupation permits.

Moved by Schey, Seconded by Kegley. MOTION CARRIED 4 to 0 (Foulkes, Hill, Kegley, Schey) Rhodes Absent

OLD BUSINESS

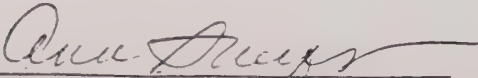
Moraga Playfield Land Lease -- The City Administrator reported that the property reappraisal of the proposed Moraga playfield site undertaken by the Mountain View Cemetery Board has not been completed nor is completion expected within the near future. This delay may require the City to proceed with field design and engineering work without a lease agreement in order for the City to be prepared to go forward by the spring planting season. The Administrator recommended that the matter be referred for decision to the Council's subcommittee (Schey, Kegley) on lease negotiations. Councilmembers Schey and Kegley agreed, suggesting that the City unilaterally submit to the Cemetery Board a fixed lease proposal for the property.

ADJOURNMENT

There being no further business, Vice Mayor Foulkes adjourned the meeting at 10:40 p.m.

I certify that this is a full, true and correct copy of the original document which is on file in my office.

ATTEST:


Ann Swift, City Clerk

CITY OF PIEDMONT
COUNCIL AGENDA REPORT

MEETING: December 16, 1991
FROM: Lori Salamack, City Planner
SUBJECT: HOUSING ELEMENT UPDATE

BACKGROUND:

This item was originally scheduled for Council consideration on October 21, 1991. Due to the anticipated absence of two Council members on this date, it was continued and re-noticed for consideration on December 16, 1991.

Attached is the staff report prepared by Lisa Greuter of STA Inc., dated October 21, 1991.

Among the many important issues addressed in the draft elements are two particularly interesting concepts. They are 1) the proposed extension of the amortization period for non-exempt second units and 2) the suitability of the Maxwellton Road site for development purposes.

The extension of the amortization period is discussed in Item 3 on Page 60 of the draft element dated April 15, 1991. This concept calls for the extension of the registration period for second units from December 31, 1991 to 1994. This concept was considered by the General Plan review committee and the Planning Commission and recommended for approval by the Council. If adopted in this form, enforcement of the existing second unit ordinance (Chapter 17 D of the City Code) which is scheduled to commence in January, 1992 would be postponed.

The second issue, the suitability of the Maxwellton Road property for development purposes was discussed by the Planning Commission at their meeting on August 12, 1991. Please refer to the attached Planning Commission minutes, page 5 of the attached staff report, and page 3 of the adequate sites land survey at the back of the April 15, 1991 draft Housing Element Update.

The Planning Commission did not come to a consensus regarding the Maxwellton Road property, but requested that the City Council review this issue. If the Maxwellton Road site is determined to be inadequate, other sites would need to be provided as candidates for affordable housing in order for Piedmont to reach its regional fair share of affordable housing. Other possible sites for affordable housing include mixed use projects in the Grand Avenue commercial area.

Date Report Prepared: 12-11-91

CITY OF PIEDMONT
CITY COUNCIL AGENDA REPORT

MEETING DATE: October 21, 1991

FROM: Lori Salamack - City Planner *LS*

SUBJECT: HOUSING ELEMENT UPDATE

RECOMMENDATION

Staff recommends that the City Council receive and review the Draft Housing Element and take the following actions:

1. Open the public hearing;
2. Take testimony from those present related to the Negative Declaration and Draft Element; and,
3. Make such changes to the documents as deemed appropriate;
4. Certify the Negative Declaration as complete and adequate;
5. Adopt the Mitigation Monitoring Program; and
6. Adopt the Housing Element Update.

Resolutions regarding the above actions are included as Attachment A.

NOTICE OF HEARING

In accordance with State law and City of Piedmont policy, notice of the October 21, 1991 City Council hearing was provided as follows:

1. Publication of a notice in The Piedmonter on September 17, 1991.
2. Posting of a notice at City Hall on September 16, 1991.

BACKGROUND

State Law

State law requires that every city and county prepare and adopt a housing element as part of the jurisdiction's General Plan. A housing element must be revised every five years and submitted to

the State Department of Housing and Community Development (HCD) for their review.

A housing element consists of an identification and analysis of the City's existing and projected housing needs in accordance with data compiled by the Association of Bay Area Governments (ABAG). Based on identified needs, the housing element includes a statement of goals, policies and quantified objectives. The statement must address the preservation, improvement and development of housing. The element must also identify adequate sites for a variety of housing types. The housing element must make adequate provisions for the existing and projected needs of all economic segments of the community.

Document Processing

On February 25, 1991, the Planning Commission held a hearing to review the Draft Element, take public testimony, make recommendations related to the adequacy of the Draft Element, and recommend transmittal of the document to HCD.

On April 1, 1991, the City Council also held a hearing to review the Draft Element, take public testimony, make recommendations related to the adequacy of the Draft Element, and take action to transmit the Draft Element as modified to HCD.

On April 19, 1991, the City transmitted the Draft Housing Element with modifications to HCD for review. Subsequent to a 45-day review period, the City received comments/recommendations from HCD dated May 31, 1991. The State's comments and recommendations are included as Attachment B. HCD comments are advisory as stated in Government Code Section 65585(d). The City's proposed responses to these comments are included as Attachment C.

Housing Element Advisory Committee

On September 17, 1990 the City Council appointed a Housing Element Advisory Committee comprised of ten volunteer Piedmont citizens. The committee held four meetings on September 18, September 27, December 4, and December 13, 1990. While there are no requirements for noticing of committee meetings, three of four Housing Element Advisory Committee meetings were noticed in The Piedmonter and/or at City Hall. The Committee guided the preparation of the Element. The Committee's comments and recommendations are included in Appendix A of the Draft Housing Element dated April 15, 1991.

A meeting was held July 18, 1991 to review the comments made by HCD on the Draft Element. Changes to the Draft Element were suggested by the Committee. The Committee's recommendations have been incorporated into the City's response letter to HCD on the Draft Element. Please refer to Attachment C.

Environmental Significance

A Negative Declaration/Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) and reviewed by the City staff and the Housing Element Advisory Committee. It was distributed to the State Clearinghouse, the public, and the Planning Commission on August 2, 1991. The Negative Declaration/Initial Study and proposed Mitigation Monitoring Program is included in Attachment D.

According to CEQA Guidelines Section 15074(a), the Planning Commission was required to accomplish the following:

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed Negative Declaration before making its recommendation.

According to CEQA Guidelines Section 15074(b), the City Council shall do the following:

- (b) Prior to approving the project, the decision-making body of the Lead Agency shall consider the proposed Negative Declaration together with any comments received during the public review process. The decision-making body shall approve the Negative Declaration if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

A letter dated September 3, 1991 was received from the State Clearinghouse indicating that no state agencies wished to comment on the Initial Study/Negative Declaration. Please refer to Attachment E.

PLANNING COMMISSION HEARING

On August 12, 1991 at the Planning Commission hearing, several key issues were addressed. Please refer to Attachment F for a transcript of the hearing. Individual Commissioners requested that the City Council review the following issues:

1. That Blair Park be considered as a possible site for construction of affordable housing.
2. That the "Mansion Home" concept for providing senior citizen housing be pursued.
3. That the Maxwellton Road property be re-examined for appropriateness as an adequate housing site.

4. That more specific information be included about the site characteristics of the Craig Avenue site identified in the Adequate Sites Land Survey.

STA has discussed issues 1 and 2 in previous staff reports. Changes deemed appropriate pertaining to all issues are described below.

Blair Park

Issue

The need for open space should be balanced with the need for affordable housing. There are limited sites suitable for either use in Piedmont.

Response

Blair Park is designated for public/quasi-public park uses. Blair Park has not been included on the list of Adequate Sites. STA recommends that it not be considered due to the lack of open space that exists within the City, and the necessity of a vote of the people to approve a zone change to multi-family or single-family residential. With the inclusion of other adequate sites, (Maxwellton and PG & E storage facility) and the possibility of allowing for mixed-uses on Grand Avenue commercial sites, the City will be able to meet its fair share housing allocation as determined by the Association of Bay Area Governments.

Mansion Homes

Issue

The Mansion Home concept involves the conversion of large existing homes into livable places for seniors. By allowing minimal changes, such as providing additional parking, interior and exterior changes to accommodate senior needs, this concept is made possible. This concept has been successful and is common in Greenwich, Connecticut.

Response

In the City Council staff report dated April 1, 1991, STA provided information regarding Mansion Home regulations from the Greenwich Municipal Code.

The following language was incorporated into the April 15, 1991 Draft Housing Element:

5. The City will respond to parties interested in developing available sites for development and/or construction of shared

living homes for senior citizens. This could include the conversion of Mansion homes. (p. 56)

Maxwellton Road

Issue

The appropriateness of the Maxwellton Road property as a site for affordable housing in terms of location and amenities was discussed at the meeting.

Response

It is proposed that the Maxwellton site remain on the list of adequate sites. The Maxwellton site would be appropriate for multi-family, townhouse, or condominium development. The market rate units could support some below market rate units in the same proposed development. As another incentive, the City owns the access easement to this property as indicated in Appendix B of the Housing Element. The City will consider redesignation and density increases as appropriate.

A site specific analysis of the adequate sites and the Grand Avenue commercial area is considered under Implementation Program B1. Should the investigation result in the determination that the Maxwellton site is inadequate, other sites would need to be provided as candidates for affordable housing. Sites not included on the adequate sites chart, but discussed in text as adequate for affordable mixed-use projects include the Grand Avenue commercial area.

Craig Avenue

Issue

The undetermined status of the Craig Avenue site in terms of the number of lots it encompasses was discussed at the meeting. Suggestions were made that the site should be better defined prior to final consideration as an adequate site.

Response

On October 7, 1991, the City Council approved the lot line adjustment to create one 6,000 square foot lot at the Craig Avenue location.

CITY ADMINISTRATOR'S COMMENTS

The real issue here is whether or not we wish to extend the authorization period of non-exempt second units pending a review of our ordinance. Language to this effect was contained in the original draft circulated to the City Council in April 1991 and has not changed as a result of the comments made by H.C.D.

With regard to language changes which were inspired by comments from HCD, the wording recommended by the advisory committee is acceptable and does not pose a substantive threat to the integrity of Piedmont's residential character.



Geoffrey L. Grote, City Administrator

- Attachment A - Resolutions
- Attachment B - Comments from HCD
- Attachment C - City of Piedmont Response Letter to HCD
- Attachment D - Negative Declaration/Initial Study
- Attachment E - State Clearinghouse Letter
- Attachment F - Planning Commission Minutes - August 12, 1991

ATTACHMENT A
RESOLUTIONS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PIEDMONT CERTIFYING AS
COMPLETE AND ADEQUATE THE NEGATIVE DECLARATION
FOR THE HOUSING ELEMENT UPDATE

WHEREAS, the Draft Negative Declaration provided environmental impact assessment for the Housing Element Update; and

WHEREAS, the Draft Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and State CEQA Guidelines; and

WHEREAS, the Draft Negative Declaration was circulated to State Agencies and to the public for comment and review for a review period of over 60 days; and

WHEREAS, oral comments and written comments were received from the public during the review period; and

WHEREAS, the Planning Commission of the City of Piedmont conducted a public hearing to receive public testimony with respect to the Draft Negative Declaration;

WHEREAS, the City Council of the City of Piedmont conducted a public hearing to receive public testimony with respect to the Draft Negative Declaration; and

WHEREAS, the City Council of the City of Piedmont has reviewed all environmental documents comprising the Negative Declaration and has found that the Negative Declaration considers all environmental impacts of the proposed Housing Element Update and is complete and adequate and fully complies with all requirements of CEQA and the CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED that the City Council does:

1. Determine that the Negative Declaration is comprised of the following elements:
 1. Draft Negative Declaration and accompanying Initial Study;
 2. Mitigation Monitoring Program;
 3. Planning Commission Minutes;
 4. City Council Minutes;
 5. Written comments as received during the review period;
 6. City Council Resolutions, Findings and Conditions for Recommended Approval.

2. Certify the Negative Declaration for the Housing Element Update as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with the requirements of the California Environmental Quality Act and the State CEQA Guidelines.

All of the above information has been and will be on file with the Public Works Department, City of Piedmont, City Hall, 120 Vista Avenue, Piedmont, California 94611, (415) 420-3050.

ADOPTED AND APPROVED THIS 21st day of October, 1991 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Skip Rhodes, Mayor
City of Piedmont

ATTEST:

Anne Swift, City Clerk
City of Piedmont

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
ADOPTING OF THE HOUSING ELEMENT UPDATE 1991.

WHEREAS, the City of Piedmont City Council appointed a Housing Element Advisory Committee comprised of Citizens to assist in the preparation of the Housing Element Update;

WHEREAS, the City of Piedmont Public Works Department conducted one public workshop and five public Citizens Advisory Committee meetings during the years 1990 and 1991 regarding the Housing Element Update and made proper public notification of these meetings in accordance with adopted City procedures; and

WHEREAS, the City of Piedmont Planning Commission conducted two public hearings during the year 1991 regarding the Housing Element Update and made proper public notification of these meetings; and

WHEREAS, the City of Piedmont City Council conducted two public hearings during the year 1991 regarding the Housing Element Update and made proper public notification of these meetings; and

WHEREAS, the City Council of the City of Piedmont adopted A General Plan for the City of Piedmont in November, 1984; and

WHEREAS, State law grants authority to the City of Piedmont to amend its General Plan; and

WHEREAS, the Housing Element is intended to provide comprehensive and long-term guidance to housing development; and

WHEREAS, the Housing Element Update will assist the City of Piedmont to make a good faith effort to meet regional housing needs and Statewide housing goals; and

WHEREAS, the Housing Element Update provides for a variety of housing types, especially senior housing; and

WHEREAS, a Negative Declaration has been prepared and circulated in accordance with the requirements of the, California Environmental Quality Act; and

WHEREAS, the City Council considered specific issues when reviewing the Housing Element Update 1991 as enumerated in the Planning Commission minutes and as identified below:

1. Add the Mansion Home Concept to Comment 4 and Response 4 or Comment 14 and Response 14 of the proposed City of

Piedmont Response Letter to the State Department of Housing and Community Development.

2. Add a footnote to the Adequate Sites Matrix explaining the status of the Craig Avenue site as under investigation.
 3. Consider including Blair Park as an adequate site for a planned development including multi-family units and open space uses.
 4. Consider deleting the Maxwelllton site from the list of adequate sites due to potential development difficulties, access, and location.
- and changes deemed appropriate and necessary by the City Council were made and specified in the Housing Element Update 1991.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby:

1. Find that a Negative Declaration has been prepared in accordance with CEQA and is adequate;
2. Find that it has reviewed and considered the contents of the Negative Declaration in making decisions regarding the project;
3. Find that a Mitigation Monitoring Program has been prepared in compliance with CEQA and is adequate;
4. Adopt the Housing Element of the City of Piedmont General Plan consisting of the following:
 - A. Housing Element Update April 15, 1991; the cover page of which is attached hereto as Exhibit A; as modified by
 - B. Modifications to the Housing Element Update recommended in the Letter Response to the Department of Housing and Community Development attached hereto as Exhibit B.
 - C. Modifications to the Housing Element Update recommended in the City Council staff report dated October 21, 1991 and as stated in City Council Hearing Minutes attached hereto as Exhibit C.

ADOPTED AND APPROVED this 21st day of October, 1991 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Skip Rhodes, Mayor
City of Piedmont

ATTEST:

Anne Swift, City Clerk
City of Piedmont

ATTACHMENT B
COMMENTS FROM HCD

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HOUSING POLICY DEVELOPMENT

1800 THIRD STREET, Room 430
P.O. BOX 952053
SACRAMENTO, CA 94252-2053
(916) 323-3176 FAX (916) 323-6625



May 31, 1991

Mr. Geoff Grote
City Administrator
City of Piedmont
120 Vista Avenue
Piedmont, California 94611

Dear Mr. Grote:

RE: Review of City of Piedmont's Draft Housing Element

Thank you for submitting Piedmont's draft housing element, received April 19, 1991 for our review. As you know, we are required to review draft housing elements and report our findings to the locality (Government Code Section 65585(b)).

Identified concerns were reviewed in a telephone conversation May 30, 1991 with Lisa Grueter, the City's consultant.

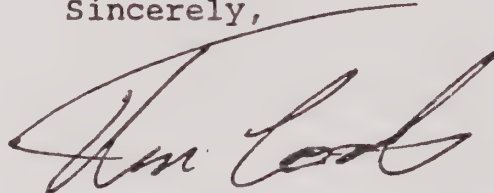
The draft element is a well organized document which contains much useful information about the City. In addition, the element adequately responds to requirements pursuant to Chapter 1451, Statutes of 1989, relating to the potential conversion of existing, assisted housing developments to non-low-income housing during the next ten-year period (Government Code Section 65583(a)(8) and (c)(6)). However, in our opinion, certain revisions are needed for the element to comply with State housing element law (Article 10.6 of the Government Code). A listing of our recommended changes is included in the attached Appendix.

We hope our comments are helpful to the City and we appreciate the assistance of Ms. Grueterk during the course of our review. If you have any questions about our comments, or would like assistance in the revision of your element, please contact Jeff Spano of our staff at (916) 323-6174.

Mr. Jeff Grote
Page 2

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Cook", with a large, sweeping flourish extending from the top of the signature.

Thomas B. Cook, Chief
Housing Policy Development
Division

Attachment

cc: Lawrence Rosenberg, Public Works Director, City of Piedmont
Lori Salamack, City Planner, City of Piedmont
Lisa Grueter, Project Manager, STA Planning, Inc.
Clifford Sweet, Alameda County Legal Aid Society
Mike Rawson, Alameda County Legal Aid Society
Gen Fujioka, Asian Law Caucus
David Booher, California Housing Council
Sue Hestor, Attorney at Law
Gary Hambly, Building Industry Association
Rolf Pendall, Bay Area Council
Revan A.F. Tranter, Association of Bay Area Governments
Kathleen Mikkelsen, Deputy Attorney General
Bob Cervantes, Governor's Office of Planning and Research
Richard Lyon, California Building Industry Association
Kerry Harrington Morrison, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Christine D. Reed, Orange County Building Industry Association
Rob Wiener, California Coalition for Rural Housing

APPENDIX

City of Piedmont

The following changes would, in our opinion, bring Piedmont's housing element into compliance with Article 10.6 of the Government Code. Following each recommended change or addition, we refer to the applicable provision of the Government Code. Where particular program examples or data sources are listed, these are suggestions for your information only. We recognize that Piedmont may choose other means of complying with the law.

A. Review and Evaluation

The element should describe how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of a review of the prior element (65588(a)(1)).

According to the element, "The City implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to a lack of staff, alternate priorities, and lack of funding." To address issues identified with the City's program implementation deficiencies, the element indicates that the City is considering hiring additional planning staff, and it now includes various state and federal funds available to interested parties. The element also states that the City will "continue to include housing programs when prioritizing community issues to be addressed." However, the element does not include program actions to commit the City to apply for any federal or state funds, or to demonstrate that housing for all income levels will become a higher City priority.

With regard to City priorities, the City's land use policies continue to indicate that the City's priorities are for park- land and low-density residential development. For example, according to the element, "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land." Later, the element states, "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built." While these constraints are discussed in the element, the element does not incorporate program actions to address them.

The City's priorities are also of particular concern to us since, unfortunately, most of the programs which were not implemented were those which could have resulted in information or actions to identify additional housing sites or to provide affordable housing opportunities for first-time homebuyers, low- and moderate-income households, and elderly residents. Conversely, programs which were implemented included the establishment of a "...single family residential estate zone with a minimum lot size of 20,000 square feet..." and a second unit ordinance which limits second unit occupancy to "... gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service on-site..."

We note that our February 24, 1987 letter regarding our review of the City's draft second unit ordinance, stated, "In light of the need for elderly housing in Piedmont as described in the adopted housing element, facilitating the development of second units would enable the City to meet an identified need within the intent of the State second unit law." However, it appears that the second unit ordinance virtually precludes the use of second units to meet the City's need for affordable elderly housing.

B. Quantified Objectives

Establish the maximum number of housing units which can be rehabilitated and conserved during the planning period of the element (Section 65583(b)). The rehabilitation objective is the number of units expected to be rehabilitated during the time frame of the element. The conservation objective refers to the preservation of the existing affordable housing stock.

C. Programs

1. Identify adequate sites which will be made available through appropriate zoning and development standards to facilitate the development of a variety of types of housing for all income levels (Section 65583(c)(1)).

The land inventory appears to identify enough sites to address Piedmont's "total" regional share of new construction need. However, in our opinion, due to the low-density of the City's single-family zone (2-4 units per acre) it is unlikely that the City can accommodate its moderate-income need within this zone. Since the City's combined regional share of new construction need for low- and moderate-income households totals fifteen units and the City's multifamily zone only identifies

sites for eight units, a shortfall of sites for seven units exists.

In addition, considering the City's multifamily zone minimum density (8 units per acre), and its maximum density (20 units per acre), the element should demonstrate that a realistic potential exists for the development of multifamily sites at the maximum allowed density, and that the maximum allowed density is high enough to accommodate the City's projected need for lower-income households. The City could provide examples of recent multifamily developments affordable to lower-income households built at the maximum allowed density, include programs to encourage multifamily site development at the high end of the allowed density range, or, where existing densities are not adequate, include additional program actions along with increased densities to facilitate lower-income housing. Such programs could include fee waivers, the purchase of a site by the City for development of affordable housing, and relaxed parking requirements, where appropriate.

2. Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)). The element identifies a number of governmental constraints. Therefore, in our opinion, the element should also include program actions to mitigate or remove those constraints. Examples of constraints which should be mitigated or removed are listed below:
 - a. Page 29: "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land."
 - b. Page 30: "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.73, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built."
 - c. Page 33: "The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units."
 - d. Page 33: "In Zone C, multi-family units are conditionally permitted. Due to the perception

that affordable housing reduces property values, this provision could constrain the types of housing approved."

- e. Page 34: "Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing."

- 3. In our opinion, the element should more specifically describe the actions Piedmont will take to implement programs to ensure that the City can meet housing element program requirements (Section 65583(c)(1-5)). In light of the City's program implementation deficiencies during the previous planning period, the element's programs related to affordable housing opportunities should reflect a stronger commitment toward implementation. For example:

- a. Program A-1: What specific steps will the City take "to meet its fair share of housing as determined by ABAG?"
- b. Programs A-2 & A-3: In addition to assisting "all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households," does the City plan to apply for any of the federal and state funding sources listed?
- c. Programs A-6: How will the City "respond to parties interested in developing available sites for construction of senior housing units?"

D. Consistency with General Plan

Describe the means by which consistency will be achieved with other general plan elements (Section 65583(c)). While the element includes brief discussions of other elements of the general plan, and a program to provide for consistency between the General Plan and Zoning Ordinance, it is not clear whether the housing element is consistent with other elements of the general plan. If inconsistencies between elements exist, the housing element should describe how consistency will be achieved.

E. Public Participation

Describe how the City made a diligent effort, in developing the housing element, to achieve public participation of all

economic segments of the community (Section 65583(c)). The element indicates that a public workshop was held and an advisory committee was formed. However, the element should describe how the Citizens Advisory Committee on the Housing Element represented all economic segments of the community and what noticing steps, in addition to "State requirements and City standards," the City took to encourage public participation of all economic segments of the community?

ATTACHMENT C

PIEDMONT RESPONSE LETTER TO HCD

September __, 1991

Mr. Jeff Spano
Department of Housing and Community Development
Division of Housing Policy Development
1800 Third Street, Room 430
P.O. Box 952053
Sacramento, California 94252-2053

Dear Mr. Spano:

It is the opinion of the City of Piedmont that the Housing Element transmitted to you in April 1991 is in conformance with all requirements of State law, and further, that it has been accomplished with every intent to pursue an aggressive implementation of its programs.

In response to the Department of Housing and Community Development's review of the City of Piedmont's Draft Housing Element dated May 31, 1991, we would like to inform you that STA Planning, Inc. (STA) and the City of Piedmont have worked together to prepare responses to each of your concerns. Below we suggest refinements to the Element which have been considered by the Citizen's Advisory Committee, Planning Commission, and City Council. We believe that upon review of State law and incorporation of the refinements to the Piedmont Housing Element suggested herein, Piedmont will have an even more successful housing program. We have enclosed the Element as adopted by the City Council.

PREFACE

We would like to note that according to State housing element law (Government Code Section 65581), it was the intent of legislature:

1. To assure that Counties and Cities recognize their responsibilities to the attainment of the State housing goals;
2. To assure that Counties and Cities will prepare and implement housing elements which, along with federal state programs, will move toward attainment of the State housing goal;
3. To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal, provided such a determination is compatible with the State housing goals and regional housing needs; and [emphasis added]
4. To ensure that each local government cooperates with other local governments in order to address regional housing needs.

We believe that the revised Housing Element complies with the intent of State Housing Goals and will enable the City to make a good faith effort towards achieving State housing goals and regional housing needs.

All changes to the Draft Element are shown on following pages of this letter. Original information is indicated with a strikeout of the text, and modifications are shown in *bold italic* font.

COMMENT 1

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

The element should describe how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of a review of the prior element (65588(a)(1)).

According to the element, "The City implemented nine (9) programs and actions from the 1984 Housing Element including a Zoning Ordinance and map and a Second Unit Ordinance. A total of six (6) programs have had no progress due to a lack of staff, alternate priorities, and lack of funding." To address issues identified with the City's program implementation deficiencies, the element indicates that the City is considering hiring additional planning staff, and it now includes various state and federal funds available to interested parties. The element also states that the City will "continue to include housing programs when prioritizing community issues to be addressed." However, the element does not include program actions to commit the City to apply for any federal or state funds, or to demonstrate that housing for all income levels will become a higher City priority.

RESPONSE 1

Several paragraphs from the Housing Element describe what has been learned and incorporate what has been learned through the review of the past Element:

Pages 43-44 of the Draft Element

A review of the information in Table X indicates that the City of Piedmont has implemented 9 of 15 identified programs (60 percent) over the past several years including preparation of a Zoning Ordinance and Map. Approximately 40 percent or 6 of 15 programs have not been implemented. Five of the six programs not implemented were studies.

The status of several programs was discussed with City staff members and elected decisionmakers. Attention was focused on key programs such as preparing a zoning ordinance, second unit ordinance, and participating in the Community Development Block Grant program with Alameda County. For the programs not implemented, lack of City staff time, alternate priorities, and lack of financing were cited as reasons for lack of implementation.

The Growth Management program was probably not adopted due to its limited applicability to the City of Piedmont, a built out community with limited vacant land and no areas for expansion.

The City Council sets priorities and funding sources. The areas studies since 1984 include the following major items:

1. Second Units
2. Zoning Ordinance Update
3. Application for CDBG funds
4. Turfed Facilities
5. Infrastructure Improvements (wastewater and sidewalks)
6. Residential Design Review Guidelines

To address the concerns related to lack of City staff time, the City is considering hiring additional planning staff. To address lack of funds, more funding sources are indicated in the Housing Element. In the past, the City Council has supported the housing programs from the 1984 Housing Element. It is anticipated that due to the growing state requirements related to Housing Elements, and housing development issues, the City will continue to include housing programs when prioritizing community issues to be addressed. [emphasis added]

Page 45 of the Draft Element

In order to facilitate housing development, several programs have been included in this Housing Element which will guide the City in its efforts to plan and develop housing according to community needs. The programs identify potential housing sites, provide suggested funding mechanisms, and remove governmental constraints. [emphasis added]

Since preparation of the Draft Element, an additional staff person has been hired to assist in planning matters. This action will be added to the discussion on page 44 of the Draft Element:

To address the concerns related to lack of City staff time, the City ~~is considering hiring~~ *has hired an additional planning staff member . . .*

In addition, it should be noted that the City's implementation of the CDBG program as a program from the 1984 Element did result in assistance to low-income families:

Page 41 of the Draft Element

Regarding housing, there have been 5 CDBG loan grant recipients since 1987 including:

- Four (4) minor home repair grant recipients.
- One (1) major rehabilitation loan recipient with a 15 year loan term. This loan term will expire subsequent to the year 2000. This unit is not a multi-family rental unit.

All recipients were low income according to the State definition. (City of Piedmont Records). The major loan was given to the owner-occupant of a single-family home. There are no assisted multi-family rental units at risk for conversion to market-rate units.

The City plans to continue participation in the CDBG program and to investigate other funding sources. The City is currently meeting with the County of Alameda and other jurisdictions in the County to prepare a joint application for the California Homeownership Assistance Program. In Piedmont, funds could be used to assist renters to purchase a dwelling unit or a share entitling occupancy for units converting to condominiums. This program is currently listed under Implementation Program A2 of the Housing Element.

As is stated in the description of each Implementation Program section, the Housing Element will be reviewed annually for progress. This will help ensure that housing programs will become a higher priority for the City.

In order to demonstrate the City's commitment towards applying for funds, Implementation Programs A2 and B2 will be modified (as well as all programs related to funding):

- A2. The City will assist all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households. ~~The City will make information available and/or direct interested parties to the appropriate agency.~~ *The City will conduct a study of funding sources. By April 1992 recommendations to the City Council will be made*

regarding funding sources that the City should pursue. Applications will be prepared by the City and/or applications will be made available to organizations or individuals depending on the requirements of the program.

- B2. The City will designate a Housing Coordinator. Responsibilities of the Housing Coordinator shall include, but are not limited to, developing a pilot program to package housing incentives and funding sources aimed at developing affordable housing. *The City will also consider establishing a Task Force to assist the Housing Coordinator in implementing the Housing Element.*

COMMENT 2

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

With regard to the City's priorities, the City's land use policies continue to indicate that the City's priorities are for park-land and low-density residential development. For example, according to the element, "The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 2

City decisionmakers and voter mandates have determined that it would be inappropriate to remove parks and recreational uses in favor of housing in densely developed urban areas. In addition to housing elements, State law requires the preparation of open space elements. The open space element must address parkland.

The Piedmont Housing Element reflects the City's efforts to comply with State law in protecting open space and parks. We are sure that you are not suggesting to develop urban housing units in place of existing parks in areas such as Piedmont. Most important is the fact that under the Piedmont Housing Element we can meet both the housing and recreation needs of our residents.

The City of Piedmont remains limited by the lack of available open space on which to build housing or develop grassland parks:

Page 8 of the Draft Element

Since 1960 the City has been essentially built out as indicated on Table B. The housing stock has not increased substantially since 1960. The 1984 Housing Element identified 60 vacant buildable lots. An inventory of vacant and underutilized land

conducted in May 1990 revealed approximately 13 sites, with 11 of the sites considered feasible for housing construction. The vacant land survey is discussed in further sections. [emphasis added]

Page 29 of the Draft Element

Recreational Facilities and Programs Element policies require adequate use of land for recreational facilities, and parks. According to the Element "a city of Piedmont's size (10,000 residents) should have 14 acres of grass play fields (Base Source: Purdue University, Guidelines for Evaluating Public Parks and Recreation).". However, the City had only 4.6 acres in 1984. Since 1984, approximately 0.5 acres have been developed with grass playfield uses. [emphasis added]

Element policies require 65-110 acres for developed parkland. Existing parkland in the City amounts to 38 acres. Including all open space run by the City, schools, and Oakland, open space totals 53 acres. Many of the policies have been or are in the process of being implemented. The parkland policy results in a constraint. Parkland and housing needs are competing for some of the same available land. [emphasis added]

Since the 1984 General Plan, a Turfed Facilities Task Force has studied potential recreation uses in the Moraga Canyon area. No consensus has been reached on use of the property (Task Force Meeting Minutes 1990)

Page 41 of the Draft Element

Table W presents a 1990 estimate of vacant land suitable for residential development. All vacant and underdeveloped properties deemed suitable for residential development were assessed. Two properties designated for open space or public use by the General Plan were rejected from consideration. Appendix B contains the survey of vacant and underutilized properties as well as sites rejected from consideration. Land is available to meet the City's total construction needs. [emphasis added]

The City of Piedmont is attempting to balance several needs of the community. Needs of the community include parks as well as housing. In general, parks and housing compete for the same available land. However, the City has identified adequate sites which are currently designated for residential uses. None of the adequate sites are proposed for park uses. Housing proposed on these particular sites will not "compete" with parks. Land is available to meet the City's total construction needs as indicated on page 41 of the Draft Element.

It should also be noted that Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

The City, like other jurisdictions, is located in the inner Bay Area where limited land is left for urban development or open space uses. The City, through this ambitious 1991 Housing Element, will ensure that housing is a priority. (Refer to Response 1). An annual review of the Element as required will aid in prioritizing housing issues.

COMMENT 3

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Later the element states, "Multiple dwellings cannot exceed one dwelling unit per each 2,000 square feet of lot area, (Chapter 17.7.3, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built." While these constraints are discussed in the element, the element does not incorporate program actions to address them.

RESPONSE 3

The Housing Element describes the policies promoting affordable multiple dwellings through density bonus provisions, zoning ordinance, amendments, adaptive reuse, and mixed uses for several sites.

Page 60, Draft Element

Implementation Program D2 describes the proposed density bonus ordinance:

The City will create a separate implementing ordinance or amend the Zoning Ordinance to permit the granting of residential density use bonuses or other incentives for very low and/or low income developments in order to comply with Governmental Code Sections 65915 and 65917.

In addition, Implementation Program B1 on page 57 of the Draft Element describes adaptive re-use and mixed uses for specific sites.

In order to demonstrate the City's commitment towards providing affordable multiple dwellings, the City will insert the following Implementation Program.

The City will conduct a study of all existing multi-family developments to ascertain existing densities. Recommendations related to density standards for future multi-family units will be made. The City will seriously consider revising the Zoning Code to allow multiple dwellings to be developed at one dwelling unit per less than 2,000 s.f. of lot area.

The City will also add the following language to Implementation Program B1 on page 57:

1. Through the Municipal Code, the City will continue to allow residential units in commercial districts. Particular emphasis will be placed on senior housing. In addition, the City will ~~consider~~ *conduct studies by December 1992 which will make specific recommendations related to* general plan redesignation, code amendments, adaptive re-use, mixed-use zoning, and density increases or other incentives for the following:

- Grand Avenue Commercial
- PG&E Storage Building Site
- Maxwellton Property

The City will offer other incentives as appropriate to the site: fee waivers, parking standard modifications, and others deemed appropriate in the proposed study. Findings of the study shall be presented to the City Council for implementation within 6 months of study completion.

The Grand Avenue Commercial area consists of several underutilized properties which could support mixed use developments. Redesignation to mixed uses will be considered as part of the analysis proposed in Implementing Program B1.

The PG&E substation building site will be considered for adaptive re-use. The City will consider mediation or negotiation to purchase or help assist a non-profit organization to purchase or lease the site. Since the site is utilized as a "laydown" area for PG&E operations in the Piedmont and Oakland area, the City is willing to meet with PG&E representatives to discuss the use of other areas in the City for a "laydown area." One such area could be the City's Corporation Yard.

The Maxwellton site would be appropriate for a multi-family, townhouse, or condominium development. The market rate units could support some below market rate units in the same proposed development. The City will consider redesignation and density increases as

appropriate. As another incentive, the City owns the access easement to this property as indicated in Appendix B of the Housing Element.

In sum, the City plans to prepare a density bonus implementing ordinance, to study and amend the Zoning Ordinance, and to investigate and offer additional incentives for several sites in Piedmont.

COMMENT 4

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comments:

The City's priorities are also of particular concern to us since, unfortunately, most of the programs which were not implemented were those which could have resulted in information or actions to identify additional housing sites or to provide affordable housing opportunities for first-time homebuyers, low- and moderate-income households, and elderly residents. Conversely, programs which were implemented included the establishment of a ". . . single family residential estate zone with a minimum lot size of 20,000 square feet. . .," and a second unit ordinance which limits second unit occupancy to ". . . gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite. . ."

We note that our February 24, 1987 letter regarding our review of the City's draft second unit ordinance, stated, "In light of the need for elderly housing in Piedmont as described in the adopted housing element, facilitating the development of second units would enable the City to meet an identified need within the intent of the State second unit law." However, it appears that the second unit ordinance virtually precludes the use of second units to meet the City's need for affordable elderly housing.

RESPONSE 4

The City's use of CDBG funds as proposed in the 1984 Housing Element has resulted in the assistance of low-income families making home repairs. This has been discussed above.

The City will offer several incentives to encourage affordable housing and will also study and revise the minimum square foot requirement in the Multi-Family Zone.

Several paragraphs on Chapter 17D from the Draft Element discuss "second units":

Page 34 of the Draft Element

Chapter 17D regulates the use and development of second units. Second units are known as in-law apartments, granny flats, and accessory apartments. By definition a second unit is "... an additional residential unit on the same lot which provides complete independent living facilities for one or more person" (HCD March 1989). They offer a source of relatively affordable housing within a community. A community may ease a rental housing deficit with second units. They, in some instances, can enable the elderly to extend independent living time.

If a local government does not wish to use State criteria for second units, the locality can adopt their own second unit ordinance. Piedmont's Second Unit Ordinance was adopted in 1988 by the City Council. The ordinance distinguishes between two types of units:

- 17.D.1(a) "Second dwelling unit" is one or more living, sleeping and other rooms contained in an existing structure or on the same parcel of land, containing a kitchen, and sanitary facilities, and used as a self-contained residence for consideration by a person or persons not members of the owner's immediate family. The second dwelling unit and the primary residence unit must be under the same ownership.
- 17.D.1(c) "Separate living quarters" is a dwelling unit which would be a "second dwelling unit" as defined in 17D.1(a) except that:
 - (1) No rent or consideration is given; or
 - (2) The unit is occupied by gardeners, butlers, maids, nurses, and similar persons providing full-time domestic service onsite for a single employer and such employees have not other employment and are taking no more than six units per quarter or semester at a bona fide institution of higher learning.

As indicated above, a Separate Living Quarter is defined by either of two criteria:

- (1) No rent or consideration is given; or
- (2) The unit is occupied by gardeners, butlers, maids, etc.

Criteria #1 would not preclude use of a Separate Living Quarter by family members. In addition, twenty-nine second units are exempt from the City's Second Unit Ordinance. Elderly persons or other persons could reside there. Please refer to page 34 of the Draft Element.

The City has indicated its commitment to study and revise the ordinance as necessary through Implementation Program D3:

The City will review the second unit ordinance. The registration period for second units may be extended from 1991 to 1994 to coincide with the next mandated Housing Element Update for 1995. The City Council will establish a Citizen's Committee to study the second unit issue in more detail.

COMMENT 5

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Establish the maximum number of housing units which can be rehabilitated and conserved during the planning period of the element (Section 65583(b)). The rehabilitation objective is the number of units expected to be rehabilitated during the time frame of the element. The conservation objective refers to the preservation of the existing affordable housing stock.

RESPONSE 5

The rehabilitation objective is zero. The Draft Element has not identified any serious housing condition problems:

Page 22 of the Draft Element:

In Piedmont, the age of the housing stock may not present a true picture of the general condition of housing. Most homes are well-built and exceptionally well-maintained, and many homes have been renovated or extensively remodeled over the years.

Few units are in disrepair. Alameda County has notified the City of one home needing minor repairs. Some problems do exist, but none are considered to have any potential threats to occupant health or safety.

As discussed above, the City has granted five rehabilitation loans utilizing CDBG funds to low-income families. The number of units needing rehabilitation is estimated to be zero.

No existing assisted affordable developments are located within the City. Please refer to page 41 of the Draft Element. The conservation objective is estimated to be zero. Occupant income information related to the existing "exempt" second units (described on page 34 of the Draft Element) is unavailable. It cannot be determined whether they are rented at affordable levels.

The following table will be added to the Element:

TABLE Z
HOUSING OBJECTIVES

TYPE	OBJECTIVE
<i>New Construction</i>	<i>Very Low Income</i> 6 d.u.'s <i>Low Income</i> 4 d.u.'s <i>Moderate Income</i> 5 d.u.'s <i>Above Moderate Income</i> 14 d.u.'s <i>Total</i> 29 d.u.'s
<i>Rehabilitation</i>	<i>Zero (0)</i>
<i>Conservation</i>	<i>Zero (0)</i>

Source: STA Planning, Inc.

Note: d.u. = dwelling unit

COMMENT 6

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Identify adequate sites which will be made available through appropriate zoning and development standards to facilitate the development of a variety of types of housing for all income levels (Section 65583(c)(1)). The land inventory appears to identify enough sites to address Piedmont's "total" regional share of new construction need. However, in our opinion, due to the low-density of the City's single-family zone (2-4 units per acre) it is unlikely that the City can accommodate its moderate-income need within this zone. Since the City's combined regional share of new construction need for low- and moderate-income households totals fifteen units and the City's multi-family zone only identifies sites for eight units, a shortfall of sites for seven units exists.

In addition, considering the City's multi-family zone minimum density (8 units per acre), and its maximum density (20 units per acre), the element should demonstrate that a realistic potential exists for the development of multi-family sites at the maximum allowed density, and that the maximum allowed density is high enough to accommodate the City's projected need for lower-income households. The City could provide examples of recent multi-family developments affordable to lower-income households built at the maximum allowed density, include programs to encourage multi-family site development at the high end of the allowed density range, or, where existing densities are not adequate, include additional program actions along with increased densities to facilitate lower-income housing. Such programs could include fee waivers, the purchase of a site by the City for development of affordable housing, and relaxed parking requirements, where appropriate.

RESPONSE 6

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 7

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment:

Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)). The element identifies a number of governmental constraints. Therefore, in our opinion, the element should also include program actions to mitigate or remove those constraints. Examples of constraints which should be mitigated or removed are listed below:

- a. Page 29: "The parkland policy result in a constraint. Parkland and housing needs are competing for some of the same available land."

RESPONSE 7

Please refer to Response 2 of this letter which discusses parks and housing.

COMMENT 8

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- b. Page 30: "Multiple dwellings cannot exceed one dwelling units per each 2,000 square feet of lot area, (Chapter 17.73, Piedmont Municipal Code). This policy constrains housing development by limiting the number of affordable multiple dwellings that could otherwise be built."

RESPONSE 8

Please refer to Response 3 of this letter where the response indicates additional programs to be included related to density increases in the multi-family zone.

COMMENT 9

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- c. Page 33: "The current multi-family residential building height requirement of 35 feet limits design opportunities. In conjunction with lot coverage requirements and parking requirements, building height requirements constrain the development of housing, particularly multi-family housing units."

RESPONSE 9

It is important to note that the City has granted variances to the Zoning Ordinance in the past. This is discussed on page 36 of the Draft Element. The Ordinance will be reviewed and revised to modify the height requirement. The City will add the following Implementation Program to the Housing Element:

The City will seriously consider revising the Zoning Ordinance related to multi-family uses to allow a maximum height of 50 feet instead of 35 feet for low and moderate income developments.

The location of the PG&E substation building next to the Oakland Avenue bridge would possibly be an area where an increase in height would not present aesthetic constraints.

COMMENT 10

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- d. "In Zone C, multi-family units are conditionally permitted. Due to the perception that affordable housing reduces property values, this provision could constrain the types of housing approved."

RESPONSES 10

The City will study and revise the Zoning Ordinance to make multi-family uses permitted in the multi-family zone. The following program will be added:

The City will seriously consider revising the Zoning Ordinance to make multi-family uses permitted in the Multi-Family Zone.

COMMENT 11

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

- e. Page 34: "Any rezoning of property requires a vote of the people. The ability to rezone by citizen vote may impede the development of housing."

RESPONSE 11

The constraint cannot be removed. It is a City charter provision. It is well beyond the authority of the State related to Housing Elements to require an amendment to the City Charter. This voting procedure has been in place since the City's incorporation.

Further Government Code Section 65583(c)(3) does not require removal of all governmental constraints:

Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement and development of housing. [emphasis added]

More importantly, under current zoning, the City has adequate capacities to meet construction needs. With the inclusion of other incentives described previously, a good faith effort will be made to achieve objectives.

COMMENT 12

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

In our opinion, the element should more specifically describe the actions Piedmont will take to implement programs to ensure that the City can meet housing element program requirements (Section 65583(c)(1-5)). In light of the City's program implementation deficiencies during the previous planning period, the element's programs related to affordable housing opportunities should reflect a stronger commitment toward implementation. For example:

Program A-1: What specific steps will the City take "to meet its fair share of housing as determined by ABAG?"

RESPONSE 12

The purpose of Implementation Program A1 is to establish the City's housing objectives. All other programs under Goals A, B, and D will help ensure new construction goals are pursued.

COMMENT 13

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-2 & A-3: In addition to assisting "all private organizations obtain governmental funding related to construction and rehabilitation needs of low and moderate income households," does the City plan to apply for any of the federal and state funding sources listed?

RESPONSE 13

Refer to Response 1 of this letter regarding funding sources.

COMMENT 14

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Programs A-6: How will the City "respond to parties interested in developing available sites for construction of senior housing units?"

RESPONSE 14

The City will implement funding mechanisms and remove governmental constraints as indicated in Programs A2, A3, A4, B1, B2, D2, and D3.

COMMENT 15

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe the means by which consistency will be achieved with other general plan elements (Section 65583(c)). While the element includes brief discussions of other elements of the general plan, and a program to provide for consistency between the General Plan and Zoning Ordinance, it is not clear whether the housing element is consistent with other elements of the general plan. If inconsistencies between elements exist, the housing element should describe how consistency will be achieved.

RESPONSE 15

No inconsistencies have been found between the Housing Element and other General Plan Elements except for the Land Use Element. Given information related to past accomplishments of the Housing Element and especially physical and environmental constraints, two policies will be removed from the Land Use Element. Please refer to page 28 of the Draft Element for additional discussion. The following modification will be made:

Page 60, Item D7 of the Draft Housing Element

The City will provide for consistency between the General Plan *Elements and between the General Plan* and Zoning Ordinance *through amendments. All zoning amendments*

suggested in the Housing Element programs are designed to provide further incentives for housing development. Residential uses shall not be permitted on City-owned property designated *in the General Plan* for Open Space or Public/Quasi-Public uses. Policies and programs from the Land Use Element which have been determined to be infeasible and not based on sound planning and environmental principles will be removed, including:

- The preparation of a Planned Unit Development Ordinance
- Possibility of housing on Blair Park or the Corporation Yard

COMMENT 16

The Appendix to the Department of Housing and Community Development's May 31, 1991 letter indicates the following comment.

Describe how the City made a diligent effort, in developing the housing element, to achieve public participation of all economic segments of the community (Section 65583(c)). The element indicates that a public workshop was held and an advisory committee was formed. However, the element should describe how the citizens Advisory Committee on the Housing Element represented all economic segments of the community and what noticing steps, in addition to "State requirements and City standards," the City took to encourage public participation of all economic segments of the Community?

RESPONSE 16

Public participation is addressed on page 43 and in Appendix A to the Draft Element.

Page 43 of the Draft Element

On June 28, 1990, the City held a public workshop to solicit comments on the Housing Element Update. Notice of the Public Workshop was accomplished in accordance with State requirements and City standards. A copy of the meeting agenda and all comments from citizens are contained in Appendix A. In September 1990, a Citizens Advisory Committee on the Housing Element was formed under the guidance of the City Council. Four Advisory Committee Meetings were held in September and December 1990. Public hearings were scheduled and took place in February and April 1991.

Mr. Jeff Spano
September __, 1991
Page 19

More discussion will be added to page 43:

The City advertised for positions on the Advisory Committee in The Piedmonter. It is a local newspaper subscribed to by a large number of citizens in Piedmont who rely on it for publication of notices, etc. Applications were reviewed by the City Council. Considerations in the review were commitment, geographic location of the prospective member (to ensure that all areas of the City were represented), variety of background/expertise, and other considerations. Announcements of the public workshop and several Advisory Committee meetings and hearings were announced in The Piedmonter. Meeting information was also posted at City Hall.

SUMMARY

- We feel strongly that the Piedmont Housing Element is in compliance with State housing law. The proposed refinements suggested in this letter will provide an even more effective element. Thank you for your comments and assistance in the revision of the Housing Element. Please feel free to contact me at (415) 420-3040 or Lisa Grueter of STA Planning, Inc. at (415) 296-7760, should you have any questions.

Sincerely,

CITY OF PIEDMONT

Geoff Grote
City Administrator

GG:LG:DG:rc

ATTACHMENT D
NEGATIVE DECLARATION/INITIAL STUDY

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CALIFORNIA 94611

NEGATIVE DECLARATION

In accordance with the California Environmental Quality Act, the City of Piedmont has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment and on the basis of that study hereby finds:



The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report.



Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the Mitigation Measures described in the Initial Study have been added to the project. An Environmental Impact Report is therefore not required.

The environmental documents which constitute the Initial Study and provide the basis and reasons for this determination are attached and hereby made a part of this document.

PROJECT:

Title: Housing Element Update

Location: City of Piedmont City Limits

Description: Update of the 1984 Housing Element

Project Proponent: City of Piedmont

Division/Department

Responsible for Proposed Project: Public Works Department

Contact Person: Lori Salamack, City Planner Telephone: (415) 420-3050

NOTICE:

This document and supporting attachments are provided for review by the general public. This is an information document about environmental effects only. Supplemental information is on file and may be review in the office listed above. The decision-making body will review this document and potentially many other sources of information before considering the proposed project.

This Negative Declaration may become final unless written comments or an appeal is received by the office listed above by 5 p.m. on September 5, 1991. If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our find that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

Dated: 8/1/91

Lori Salamack

PROJECT DESCRIPTION

PROJECT LOCATION

The City of Piedmont is located in Alameda County. The City is less than 2 square miles surrounded on all sides by the City of Oakland. It is located approximately 6 miles south-east of Berkeley, and approximately 12 miles northeast of San Francisco. Exhibit 1 provides an illustration of the City's location relative to other cities and highways.

For planning purposes the Study Area includes the City limits of Piedmont. Through the organized incorporation of Oakland, Piedmont and its boundaries were formed. These boundaries constitute the existing City limits and the Planning Area boundary for the Housing Element. Exhibit 2 presents a USGS Map that indicates the City limits.

Piedmont became an independent municipality in 1907. In 1909, Oakland annexed all of its surrounding acreage north and east of Piedmont making common boundaries of the two municipalities.

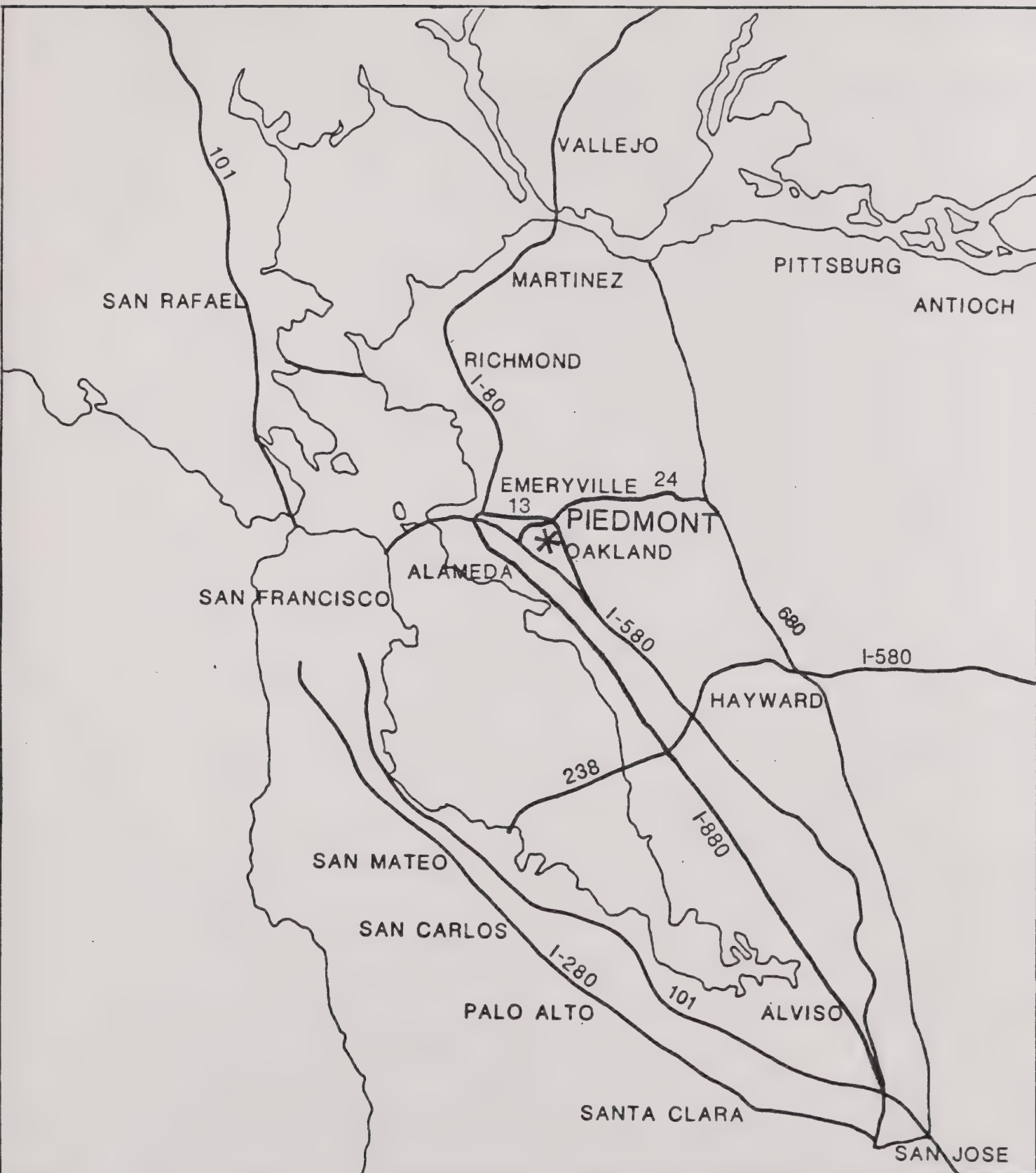
PROJECT CHARACTERISTICS

The proposed project is a Housing Element Update of the current Housing Element of the City of Piedmont adopted November 1984. To comply with State requirements an updated Housing Element is required every five years. Of particular importance is the review of the accomplishments of the previous Housing Element.

The current Housing Element Update has been revised to ensure it includes the following major components:

- An identification of existing and projected housing needs and constraints.
- A statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing.
- An identification of adequate sites for a variety of housing types, as appropriate.

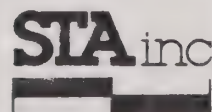
According to the City's fair share housing allocation, twenty-nine units at various income levels need to be developed in order to improve the affordability and the availability of housing in the City and the Bay Area. The Housing Element Update has indicated the capacity for 36 to 45 dwelling units on identified adequate sites. Programs are provided which would amend the City's General Plan and Municipal Code.



Source: STA Planning, Inc.

REGIONAL LOCATION MAP

HOUSING ELEMENT UPDATE
City of Piedmont



1" = approx.
6 miles

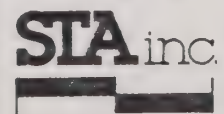
Exhibit 1



Source: USGS Maps-Oakland East and West

USGS MAP

HOUSING ELEMENT UPDATE
City of Piedmont



0 2000'

Exhibit 2

REQUIRED DISCRETIONARY ACTIONS

The following section describes discretionary actions that are required for project approval. For all actions, approval is granted by the lead agency, the City of Piedmont.

1. **Certification of the Negative Declaration.** Acceptance of an environmental document as having been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the City of Piedmont CEQA Guidelines, and certification that the data was considered in final decisions on the project.
2. **Adoption of the Housing Element.** Adoption of the Housing Element Update by the City of Piedmont.

PROJECT HISTORY

In November 1984, the City of Piedmont adopted the current Housing Element. In response to state requirements, the Housing Element Update process was initiated in May 1990. The state requires updates of housing elements every five years.

PROJECT OBJECTIVES

1. Establish within the City the ability to analyze local and regional housing needs in order to respond effectively to the housing problems and opportunities facing the community;
2. Identify the community's housing goals;
3. Identify programs and opportunity sites for the development of housing.

LEAD AND RESPONSIBLE/TRUSTEE AGENCIES

Lead Agency

The project sponsor and applicant is the City of Piedmont. In conformance with Sections 15052 and 15367 of the State CEQA Guidelines, the City of Piedmont has been designated as the "lead agency" which is defined as the "public agency which has the principal responsibility for carrying out or disapproving a project." The Lead Agency contact is:

City of Piedmont

Lori Salamack
City Planner
City of Piedmont
120 Vista Ave.
Piedmont, CA 94611
(415) 420-3050

Possible Responsible /Trustee Agencies

Responsible Agencies are public agencies other than the Lead Agency which have discretionary approval power over the project. Trustee Agencies are State agencies having discretionary approval or jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Although it lacks discretionary approval, the State of California Housing and Community Development Department will review the Housing Element. The following responsible/trustee agencies may have discretionary approvals over the Housing Element or future projects proposed under the Element.

California Department of Housing and
Community Development
921 Tenth Street
Sacramento, CA 95814

California Department of Conservation
Division of Mines and Geology
1416 Ninth Street, Room 1326-2
Sacramento, California 95814

California Department of Fish and Game
P.O. Box 47
Yountville, California 94599

INITIAL STUDY

INTRODUCTION

An Initial Study is a preliminary analysis of a proposed project prepared by the lead agency to determine whether an EIR or negative declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR (CEQA Guidelines Sec. 15365). In accordance with CEQA Guidelines, a checklist has been prepared which identifies potential environmental effects.

ENVIRONMENTAL PROCEDURES

Based on issues defined in the following Initial Study, a Negative Declaration has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code, Section 21000, et seq.) and the State Guidelines for Implementation of the California Environmental Quality Act of 1970 as amended (California Administrative Code Section 15000, et seq.). This report complies with the rules, regulations, and procedures for implementation of the California Environmental Quality Act adopted by the City of Piedmont.

The Negative Declaration is part of a tiering process as defined in CEQA Guidelines Section 15152. Tiering is an effort to focus on the environmental issues which are relevant to the approval being considered. It is anticipated that future approvals related to the proposed Housing Element will be able to utilize the information set forth in this Initial Study and Negative Declaration. The tiering process involves a series of approvals moving from the general to the specific with later EIR's/Mitigated Negative Declarations omitting issues fully addressed at earlier stages.

If a proposed activity (e.g., a future housing development of several units) is defined as a "project" under CEQA, a Negative Declaration, Mitigated Negative Declaration, or EIR may be required. A "project" means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or indirectly, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
- (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

- (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (CEQA Guidelines, Section 15378)

Some activities are categorically exempt from CEQA (for further reference, consult the CEQA Guidelines Section 15300 et seq.)

The tiering approach recognizes that not all effects can be addressed fully at each step of the CEQA process. There are some effects for which full evaluation and mitigation would not be feasible. A Lead Agency may then defer analysis and/or mitigation pertaining to site specific effects to a later step.

Since a housing element is comprehensive and general, the proper level of environmental analysis is also general. As specific components of the revised Housing Element are proposed (e.g. adequate housing sites are proposed for development), more specific environmental analysis will be required. Any deferred mitigation will be included in later project-specific environmental analysis.

To ensure that mitigation proposed in the Initial Study will be implemented, a Mitigation Monitoring Program will be prepared. A Mitigation Monitoring Program is required by Section 21081.6 of the Public Resources Code. Its purpose is to ensure monitoring and compliance of mitigation measures imposed on development projects to reduce or eliminate significant detrimental project-related impacts to the environment.

Existing City Policies and Requirements that mitigate impacts will be considered mitigation measures for the purposes of the Initial Study and Negative Declaration. They will be included in the Mitigation Monitoring program and will be applied to every development project submitted for discretionary approvals.

INITIAL STUDY FORMAT

The following Initial Study checklist indicates with a "yes," "maybe," or "no" whether a specified impact will occur, may occur, or will not occur. For each answer, a narrative description of environmental impacts is provided in Attachment A, Initial Study Checklist Responses section. A summary of initial study conclusions is provided in Attachment B.

ENVIRONMENTAL CHECKLIST FORM

Background

1. Name of Proponent City of Piedmont
2. Date of Checklist Submittal August 2, 1991
3. Agency Requiring Checklist City of Piedmont Public Works Department
4. Name of Proposal, if applicable Housing Element Update

Environmental Impacts

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-----------|
| 1. Earth. Will the proposal result in: | | | |
| a. Unstable earth conditions or in changes geologic substructures? | <u>—</u> | <u>X</u> | <u>—</u> |
| b. Disruptions, displacements, compaction or overcovering of the soil? | <u>X</u> | <u>—</u> | <u>—</u> |
| c. Change in topography or ground surface relief features? | <u>—</u> | <u>X</u> | <u>—</u> |
| d. The destruction, covering or modification of any unique geologic or physical features? | <u>—</u> | <u>X</u> | <u>—</u> |
| e. Any increase in wind or water erosion of soils, either on or off the site? | <u>—</u> | <u>X</u> | <u>—</u> |
| f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? | <u>—</u> | <u>X</u> | <u>—</u> |
| g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <u>X</u> | <u>—</u> | <u>—</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	—	<u>X</u>	—
b. The creation of objectionable odors?	—	—	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	—	—	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<u>X</u>	—	—
c. Alterations to the course or flow of flood waters?	—	<u>X</u>	—
d. Change in the amount of surface water in any water body?	—	—	<u>X</u>
e. Discharge into surface waters, or in any alterations of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	<u>X</u>	—
f. Alteration of the direction or rate of flow of ground waters?	—	<u>X</u>	—
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	—	<u>X</u>	—
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	—	<u>X</u>	—
b. Reduction of the numbers of any unique, rare, or endangered species of plants?	—	<u>X</u>	—
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	<u>X</u>	—
d. Reduction in acreage of any agricultural crop?	—	—	<u>X</u>
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	—	<u>X</u>	—
b. Reduction of the numbers of any unique, rare or endangered species of animals?	—	<u>X</u>	—
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	<u>X</u>	—
d. Deterioration to existing fish or wildlife habitat?	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?	<u>X</u>	—	—
b. Exposure of people to severe noise levels?	—	<u>X</u>	—
7. Light and Glare. Will the proposal produce new light or glare?	<u>X</u>	—	—
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	<u>X</u>	—	—
9. Natural Resources. Will the proposal result in an increase in the rate of use of any natural resources?	—	—	<u>X</u>
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	<u>X</u>	—
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	<u>X</u>
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	<u>X</u>	—	—
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	<u>X</u>
b. Effects on existing parking facilities, or demand for new parking?	<u>X</u>	—	—
c. Substantial impact upon existing transportation systems?	—	<u>X</u>	—
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	<u>X</u>	—
e. Alterations to waterborne, rail or air traffic?	—	—	<u>X</u>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	—	<u>X</u>	—
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	<u>X</u>	—	—
b. Police protection?	<u>X</u>	—	—
c. Schools?	<u>X</u>	—	—
d. Parks or other recreational facilities?	<u>X</u>	—	—
e. Maintenance of public facilities, including roads?	<u>X</u>	—	—
f. Other governmental services?	<u>X</u>	—	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	—	—	<u>X</u>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	—	—	<u>X</u>
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Water?	—	—	<u>X</u>
b. Sewer?	<u>X</u>	—	—
c. Storm Drains?	<u>X</u>	—	—
d. Telephone?	—	—	<u>X</u>
e. Gas?	—	—	<u>X</u>
f. Electricity?	—	—	<u>X</u>
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	<u>X</u>	—
b. Exposure of people to potential health hazards?	—	<u>X</u>	—
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	<u>X</u>	—
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	<u>X</u>	___
b. Will the proposal result in adverse physical or aesthetic effects of a prehistoric or historic building, structure, or object?	___	<u>X</u>	___
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	<u>X</u>	___
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	<u>X</u>	___
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<u>X</u>	___	___
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).	___	<u>X</u>	___

Yes Maybe No

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant). X
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? X

Discussion of Environmental Evaluation

See Attachment A.

IV. Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED. X

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date

Signature

For _____

ATTACHMENT A ENVIRONMENTAL CHECKLIST RESPONSES

1. EARTH

1a - 1g

Implementation of the Housing Element programs will result in the development of residential units. Construction of these units may result in unstable earth conditions or in changes to geologic substructures. Potential impact areas include sites determined adequate for residential uses.

Development of proposed residential uses will disrupt, displace, compact, or cause overcovering of soils. Grading will be required to construct residential uses. Grading may change existing topography or ground surface relief features or modify unique geologic or physical features.

Construction of proposed land uses may increase soil erosion by earthwork and other construction activities. Construction activities may result in short-term siltation impacts to creeks and waterways.

Several earthquake faults are located in the San Francisco Bay Area and in adjacent counties near the City of Piedmont. Although Piedmont lies very close to the seismically active Hayward fault (within 1/4 mile), no active faults run through the City. Moderate-sized earthquake events would be capable of producing a substantial amount of damage. (City of Piedmont, 1984 General Plan).

The City of Piedmont General Plan has identified two areas in the City as having the potential for liquefaction. An earthquake would increase chances of liquefaction.

The risk of landslides in Piedmont is estimated to be low to moderate. (Piedmont General Plan, 1984).

The development of additional residential uses would expose persons as well as property to geologic hazards noted above.

Future residential uses shall comply with the following policies, implementation programs, and mitigation measures to reduce impacts:

Environmental Hazards Element¹

- I. The City will require all public buildings and privately-owned but publicly-used structures to be surveyed for seismic deficiencies.
- P. The City shall not permit construction on known faults and/or active landslides; however, a building permit may be issued, at the discretion of the City, if the slide is stabilized on the basis of a soils and geological investigation prepared by a qualified engineer and at the expense of the owner.
- P. On land which is thought to have a potentially high risk of fault displacement, slope instability, liquefaction, differential settlement, and/or flooding, the City shall permit construction only if the owner, at his own expense, can establish through soils and geology investigation prepared by a qualified engineer that a structure can be located there without danger to life or property.

Mitigation Measures

- MM1. Geotechnical reports shall be prepared by a qualified Engineering Geologist and submitted to the Department of Public Works at the time of review of grading plans. Construction and grading of any site shall be in conformance with the recommendations of the report.
- MM2. Specific methods for mitigating potential hazards related to slope stability, problematic soil conditions, seismicity, groundwater, and rippability shall be assessed and recommended by a qualified Engineering Geologist. The applicant shall incorporate all recommendations into the grading and development plans for the project. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.
- MM3. Geotechnical reports shall establish appropriate project foundation design parameters to avoid hazards related to liquefaction and expansive/compressible soils. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.
- MM4. A grading plan shall include a complete plan for temporary and permanent drainage facilities to minimize any potential impacts from silt, debris, and

¹Throughout the initial study an "I" indicates that the measure is an implementation program of the City's General Plan. A "P" indicates that the measure is a policy of the City. MM indicates a proposed mitigation measure.

other water pollutants. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.

2. AIR

2a - 2c

Development of the proposed residential uses may create a small amount of air emissions. Land uses will generate an insignificant amount of vehicular emissions.

The proposed project may result in a short-term increase in dust and other suspended particulates both at the site of any construction and downwind. Emissions, dust, and particulates will not contribute substantially to the deterioration of Piedmont's ambient air quality. Mitigation measures below will reduce short-term air quality impacts to a level of insignificance. Proposed residential uses will not create objectionable odors.

The development proposed under the Housing Element is not anticipated to have a significant effect upon air movement, moisture or temperature, or result in any change in climate locally or regionally.

Future residential projects shall comply with the following mitigation measures:

Mitigation Measures

- MM5. The applicant shall ensure that fugitive dust emissions during construction are minimized by watering the site for dust control and periodically washing adjacent streets to remove accumulated material. Compliance with this measure shall be monitored by the Public Works Department.
- MM6. Grading and other soil disturbance shall be terminated by the applicant when wind speeds reach threshold levels that can carry dust and sand for great distances (about 25 mph). Compliance with this measure shall be monitored by the Public Works Department.
- MM7. Prior to the issuance of any grading permits, a method of control to prevent dust and windblown earth problems shall be submitted by the applicant to the City and approved by the Director of Public Works.

3. WATER

3a - 3i

Construction of residences is not anticipated to change any fresh surface water currents, amounts or the course of direction of water movements.

Additional residential development will increase the amount of impervious surfaces, changing absorption rates and drainage patterns. Surface run-off will increase. Increased run-off may increase storm drain water flow.

Seiches, earthquake-generated waves within enclosed bodies of water, may affect future housing development. There are three reservoirs in or around the City which may pose a threat in the event of an earthquake (City of Piedmont 1984 General Plan). Housing proposed near flood paths would expose persons or property to flooding.

Erosion from construction activities may increase siltation in creeks and waterways. Increased siltation may alter surface water quality. Mitigation measures will reduce these impacts to a level of insignificance.

Additional residential development may alter the direction or flow of ground waters. Implementation of residential uses is not anticipated to increase the withdrawal of ground water. Homes in Piedmont are supplied through a public water supply. This is discussed under the Utilities section.

Future projects proposed under the General Plan Housing Element shall comply with Mitigation Measure 2 and the following implementation programs, policies, and mitigation measures to reduce water impacts:

Environmental Hazards Element

- I. Pending state acceptance of the East Bay Municipal Utility District's study of flooding hazards, the City shall carefully evaluate, and if necessary prohibit, construction of structures for commercial and other high density uses in areas that may be susceptible to flooding.
- P. On land which is thought to have a potentially high risk of fault displacement, slope instability, liquefaction, differential settlement, and/or flooding, the City shall permit construction only if the owner, at his own expense, can establish through soils and geologic investigation prepared by a qualified engineer that a structure can be located there without danger to life or property.

Mitigation Measures

- MM8. Grading plans prepared by applicants shall include an erosion, siltation, and dust control plan to be approved by the Director of Public Works. The plan shall include provisions for measures such as immediate planting of vegetation on all exposed slopes, temporary sedimentation basins and sandbagging, if necessary, and watering and compaction programs. The plan shall ensure that discharge of surface runoff from the project during construction activities will not result in increased erosion or siltation immediately downstream of the property.
- MM9. A berm or swale shall be constructed by the applicant along the perimeters at construction site areas where feasible and remain in place through the entire length of the construction period. This shall prevent offsite stormwater runoff from flowing onto the construction site. This shall be done to the satisfaction of the Public Works Department.
- MM10. The applicant shall ensure that a temporary sediment basin is located at the point of greatest runoff from any construction site. It shall consist of an embankment of compacted soil across a drainageway. The basin shall not be located in an area where its failure would lead to a loss of life or the loss of service of public utilities or roads. This shall be done to the satisfaction of the Public Works Department.
- MM11. To control for erosion problems from runoff on or below slopes, slope drains or chutes and flumes shall be installed by the applicant on the slope to safely carry concentrated stormwater flows. This shall be done to the satisfaction of the Public Works Department.

4. PLANT LIFE

4a - 4d

The implementation of proposed Housing Element programs will result in home construction. Development may change the diversity of plant species or the number of species on non-infill sites such as in the Moraga Canyon area. A Natural Diversity Data Base (NDDDB) analysis of the location and condition of rare and threatened plants and natural communities was collected by the Department of Fish and Game for the Piedmont area. The data base uses the following methodology: all species inventoried are officially listed (state and federal) endangered, rare, and threatened plants, plus those considered by the scientific community to be deserving of such listing. Although the data base report does not constitute an official review of a project under CEQA by the Department of Fish and Game, it does recommend areas in which further studies should be conducted.

The report identified no sensitive plant species within the City of Piedmont. Several species of concern were found in surrounding communities.

Given the disturbed nature of the remaining sites in Piedmont, it is unlikely that any species of concern would be present. To confirm this analysis future residential projects proposed on non-infill sites (e.g. Maxwellton Property) should be analyzed for the possibility of rare, endangered, or threatened plant life.

Landscaping associated with new development may introduce new species of plants into the Study Area. New development and landscaping may result in a barrier to the replenishment of existing species.

Development will not reduce any agricultural production since none exists within the City.

To avoid any potential impacts to plant life, the following mitigation measure is proposed.

- MM12. Prior to the issuance of grading and/or building permits, a qualified botanist or Fish and Game representative shall be hired by the applicant to conduct a study and inform developer of the results of the study. In addition, the botanist or California Department of Fish and Game representative shall be present to inspect the plant species. If significant species are identified, the botanist or representative shall have the authority to stop or temporarily divert construction activities in order to assess the significance of the find.

5. ANIMAL LIFE

5a - 5d

Development of residential uses may change the diversity or the number of animal species. A Natural Diversity Data Base (NDDDB) analysis also analyzes the location and condition of rare and threatened animal species. The same sort of methodology used to identify sensitive plant species was conducted for the sensitive animal species. Again, no sensitive species were identified within the City of Piedmont. Some species of concern were identified in communities surrounding Piedmont.

Given the disturbed nature of the remaining vacant sites in Piedmont, it is unlikely that any species of concern would be present. To confirm this analysis future residential projects proposed on non-infill sites (e.g. Maxwellton Property) should be analyzed for rare, endangered, or threatened animal life. The absence of a special animal does not mean they are absent from the area but that no occurrence data are currently entered in the Data Base inventory.

Land development may reduce animal habitat and reduce the numbers of unique, rare, or endangered animal species.

Additional population in the City may indirectly result in the addition of domestic animal species. Land development that reduces animal habitat may result in a barrier to the migration or movement of animals.

Siltation associated with construction activities may affect water quality. With erosion control measures (mitigation measures 8 through 11), existing fish and wildlife habitat is not anticipated to be deteriorated.

To avoid any potential impacts to animal life, the following mitigation measure is proposed.

- MM13. Prior to issuance of grading and/or building permits, a qualified biologist or Fish and Game representative shall be hired by the applicant to conduct a study and inform developer of the results of the study. In addition, the biologist or California Department of Fish and Game representative shall be present to inspect the habitat and animal species. If significant species are identified, the biologist shall have the authority to stop or temporarily divert construction activities in order to assess the significance of the find.

6. NOISE

6a - 6b

The noise levels in Piedmont vary in proportion to local traffic flow, which in turn is related to population. The most exposure can be seen on the local main traffic arteries which include Grand Avenue, Highland Avenue, Moraga Avenue, Oakland Avenue or Park Boulevard. The number of people exposed to noise levels greater than 65dBA has been estimated at approximately 226. Future buildout of the General Plan assumes no population growth and a reduction in vehicle noise due to automobile improvements. The number of people exposed to noise levels greater than 60 dBA in 1995 has been projected at 217. (City of Piedmont 1984 General Plan) Although not specified, these noise levels are presumably experienced in the daytime during peak traffic hours.

Build-out of residential uses will generate minimal additional traffic. This will increase existing noise levels and may affect sensitive noise receptors such as residences.

With implementation of General Plan policies, these increases in noise levels will not expose people to severe noise levels.

Environmental Hazards Element

- I. Piedmont will review any development proposals for multi-family residential units in areas in which the outdoor Ldn level exceeds 60 db to ensure the specific noise controls features are incorporated in the design of such units which will reduce interior levels to 45 db.

- P. Piedmont will enforce the California Motor Vehicle Code regulations on maximum allowable noise levels for cars and trucks and motorcycles.
- P. Piedmont will periodically evaluate traffic volume and flow patterns within the City for possible adverse acoustical effects.

7. LIGHT AND GLARE

Residential development encouraged by the proposed Housing Element will produce new light or glare. Additional street lights in currently undeveloped areas of the City will create additional light near existing residents. New buildings may create glare depending on the construction materials used.

Future projects proposed under the General Plan will be required to comply with the following mitigation measures to reduce any impact.

- MM14. All projects proposed under the General Plan Housing Element shall be assessed by the City for potential light and glare impacts. The assessment shall be submitted to and approved by the City Public Works Department and the City Planning Commission prior to issuance of grading and building permits.
- MM15. Design of lighting for specific building projects will be guided by the following principles: avoid interference with reasonable use of adjoining properties; minimize onsite glare; provide adequate onsite lighting; limit electrolights height to avoid excess illumination; and provide lighting structures which are compatible with landscape design. Lighting design plans shall be submitted for review and approval to the City Public Works Department and to the City Planning Commission.

8. LAND USE

The proposed adoption of the Housing Element will alter present and planned land uses of the Study Area. In accordance with state requirements, the General Plan and the Municipal Code will be analyzed for adequacy and for internal consistency. They will be updated as appropriate.

Several adequate sites may be developed with residential uses. These properties, zoned multi-family, single-family, single-family (estate) and commercial, currently permit the development of residential uses.

Future projects will be required to comply with the following:

Mitigation Measures

- MM16. Approval of any residential project shall not occur until consistency with the General Plan, Zoning Ordinance, Subdivision Ordinance, Second Unit Ordinance, or any other portion of the Municipal Code is achieved or until these codes and plans are revised and amended. This shall be monitored by the City Planner and City Attorney.

9. NATURAL RESOURCES

Construction associated with the proposed Housing Element land uses will require the use of fossil fuels, sand gravel, asphalt, lumber as well as other natural resources. Establishment of proposed uses is not anticipated to increase the rate of use of any natural resource.

10. RISK OF UPSET

10a - 10b

Development of residential uses may result in the risk of explosion or the release of hazardous substances. Hazardous substances may exist on sites designated as adequate for residential development such as sites along Grand Avenue or the PG&E substation. No information is available to determine the presence or absence of hazardous materials. Mitigation measures will reduce this potential impact to a level of insignificance.

It is not anticipated that the residential uses will not interfere with an emergency response plan or an emergency evacuation plan.

Future developments shall comply with the following mitigation measures:

- MM17. During environmental review, a consultant shall be retained by property owners to review potential problems in above-ground structures for hazardous environmental conditions and to determine the most environmentally feasible method for removal. The assessment shall be reviewed by the City Public Works Department, as well as any County, State, or Federal agencies as may be required.
- MM18. During environmental review, a Management Program shall be prepared by the property owner or their consultant. The Program will detail how all recommended mitigation measures to reduce health hazards will be enforced. The assessment shall be reviewed by the City Public Works Department as well as any County, State, or Federal agencies as may be required.

11. POPULATION

Additional residential development will alter the location, distribution, and density of the population in the Study Area. Should the fair share housing allocation of twenty-nine units be met, the resulting population increase will be 81 persons (1980 household size of 2.79). Should all adequate sites achieve maximum allowable build-out under current ordinances and plans (45 dwelling units), the resulting population increase would be approximately 126 persons. The development of housing will alter the population growth rate in certain portions in the City.

Population growth or change in itself is not a significant impact. Indirect impacts associated with population growth such as traffic, noise, air quality, public services and utilities are addressed in their respective sections of this Initial Study.

12. HOUSING

The proposed Housing Element may affect existing housing. New units may create traffic, parking, and aesthetic impacts. Traffic and parking are considered under Section 13 of this Initial Study. Mitigation Measures have been provided which will mitigate traffic and parking impacts. Aesthetic impacts are considered under Section 18. Mitigation measures for aesthetic impacts are provided which will reduce the impacts to a level of insignificance. The Housing Element will provide opportunities for additional residential development to meet identified needs.

13. TRANSPORTATION/CIRCULATION

13a - 13f

Over half of the streets in Piedmont are considered marginally adequate or inadequate according to the Circulation Element of the General Plan. Inadequate streets generally occur in the hilly areas and have roadway widths of less than twenty (20) feet, which is inadequate for two lanes of traffic. (City of Piedmont 1984 General Plan)

Marginally adequate streets have roadway widths of approximately 20 - 30 feet. Cars parked on both sides reduce driving lane widths. This can be hazardous, particularly if roads have curvature. (City of Piedmont 1984 General Plan)

Proposed residential land uses will not generate substantial additional vehicular movement. The addition of roadways to access certain sites may alter present patterns of circulation. The addition of vehicle trips may cumulatively contribute to existing roadway capacity and safety problems.

Additional vehicles will create additional demand for parking especially in the downtown area.

No rail, waterborne, or air traffic facilities are located within the City. The addition of few residential units is not anticipated alter waterborne, rail, or air traffic in the region.

Future residential projects will be required to comply with the following mitigation:

Mitigation Measures

- MM19. The project applicant shall construct all streets internal to the project to full ultimate cross-sections prior to obtaining occupancy permits. This measure shall be monitored by the City Public Works Department.
- MM20. In proportion to the project's incremental impact to the City's circulation system, the project applicant shall contribute to roadway improvement funds and to a parking improvement fund to improve any streets or parking areas which may be impacted by the proposed project. The incremental impact shall be determined through environmental analysis prepared for the proposed project. This measure shall be monitored by the City Public Works Department.

14. PUBLIC SERVICES

14a - 14f

The Piedmont Fire Department receives an average of 721 calls in a year. Half of the calls are for emergency medical response with the remainder of calls being reports of fire. The average response time to anywhere in the City is two to three minutes. (City of Piedmont 1984 General Plan). Increased population will impact the level of service provided by the Fire Department.

The Police Department receives an average of 20 calls per day. The average cost per citizen per year to maintain the present level of service equals \$97.00. (City of Piedmont 1984 General Plan. Increased population will impact the level of service provided by the Police Department.

Currently, 2,204 students are enrolled in the Piedmont Unified School District. The breakdown of enrollment is as follows:

<u>School</u>	<u>Enrollment 9/5/90</u>
Elementary (K-5)	1,171
Middle (6-8)	440
High (9-12)	556
Continuation	17
Special Day Classes	20

The student to teacher ratio is 28 to 1. The number of elementary school-aged children has been rising while the number of high school students has been decreasing. Enrollment in the high school will increase starting in 1994. (Piedmont Unified School District) Should the number of school age children increase with the development of additional residential uses, schools would be impacted.

The Recreation Department currently operates eight recreational facilities including the Havens Playground, Recreation Center, Linda Playground, Wildwood Playground, Piedmont Sports Field, Piedmont Park, Dracena Park, the Veterans Hall, and the Community Hall. An increase in population associated with new residences will increase the demand for recreational services.

Additional residential development encouraged by Housing Element programs will affect maintenance of public facilities such as roads which are maintained by the Public Works Department.

Additional development will affect other governmental services. The Public Works Department will have to review planning and building applications.

Future residential projects will be required to comply with the following mitigation:

Mitigation Measures

MM21. During environmental and project review, each affected City department shall review all site plans and project proposals for their potential impacts with respect to the following:

- Staffing
- Budgets
- Facilities
- Response Times
- Access

MM22. The project applicant shall pay development fees in proportion to their impact on any governmental service. Fees shall be based on the ordinances and procedures in effect at the time of project review and approval. This shall be done to the satisfaction of the City Public Works Department.

15. ENERGY

15a - 15b

Fuel and energy will be required for construction and operation of proposed land uses. Amounts required for buildout are not anticipated to be great. Gas, electricity, and other

sources of power will be addressed in the Public Services and Utilities section of the General Plan as described below.

The proposal would not result in substantial increases in demand upon existing sources of energy. It would not require the development of new sources of energy.

16. UTILITIES

16a - 16f

Piedmont receives an ample supply of high quality water from East Bay Water Company. Piedmont is supplied through a distribution system consisting of 6" to 8" diameter steel pipes which are underground and generally in the street rights-of-way. The primary reservoir is the one at the top of Blair Avenue, referred to as Piedmont No. 2 (60 acre-feet capacity). The other reservoir is located on Dingee Reservoir (30 acre-feet capacity). There are no impediments to additional hook-ups to this system as can reasonably be projected for anticipated growth in the City of Piedmont. (City of Piedmont 1984 General Plan). Increased residential growth is not anticipated to result in impacts to the water system.

Sewage treatment is provided by East Bay Municipal Utility District (MUD). The sewage collection system is owned and maintained by the City of Piedmont. An "over capacity" level has been reached and any further additions to the system will aggravate existing problems. (City of Piedmont 1984 General Plan) Recently, the City has been awarded funds to improve City infrastructure (Public Works Department Records). Additional residential development will contribute cumulatively to existing sewage collection/treatment problems.

The storm sewer system relies on natural drainage courses to connect various sections. Surface drainage and runoff require erosion control measures. (City of Piedmont 1984 General Plan). Additional residences will contribute to erosion and runoff as described in the Water section of the Initial Study.

Natural gas and electricity is provided by PG&E. Under a franchise agreement, PG&E must supply the needs of residences and businesses of the City. (City of Piedmont 1984 General Plan). No impacts are anticipated.

Telephone service is provided by Pacific Bell. Usually, any major expansions are funded by the developer of a project. Normal extensions of service can be accommodated by Pacific Bell in many cases. No significant impacts to telephone are anticipated.

Future residential projects shall comply with the following:

Public Utilities and Services Element

- I. Continue sewer service tax and connection fees to pay for major maintenance.

- I. Review development proposals in or near natural drainage courses and require installation of storm sewer facilities as necessary.

Mitigation Measures

- MM23. During environmental and project review, project applicants shall contact all utilities which may be affected by their proposed project. Each utility shall review the proposed project plans and shall suggest mitigation measures as may be needed. This shall be done to the satisfaction of the City of Piedmont Public Works Department.

17. HUMAN HEALTH

17a - 17b

Implementation of the proposed Housing Element Update may create potential health hazards as described under Risk of Upset above. Persons may be exposed to these hazards. Implementation of mitigation measures proposed under Risk of Upset will reduce impacts to a level of insignificance.

18. AESTHETICS

Additional residential development may result in the obstruction of a scenic vista or view open to the public, such as if the Cemetery property is developed. With the use of design review, uses developed under the plan will not create an aesthetically offensive site.

Future projects proposed under the Housing Element shall be subject to the following Implementation Programs, Policies, and mitigation measures to reduce aesthetic impacts:

- MM24. Landscaping for residential development projects shall be designed in order to minimize visual impacts on adjacent parcels. Special consideration shall be given to orientation of proposed houses (i.e. window and decking) so as to preserve the privacy of adjacent and nearby homes. Landscaping and building design shall be reviewed and approved by the City Public Works Department and the City Planning Commission.
- MM25. Further visual analysis shall be conducted at the time of subdivision review. This shall include analysis of conformance to Design Review Guidelines. This analysis shall be reviewed by the City Public Works Department and the City Planning Commission.

19. RECREATION

Establishment of the residential uses may decrease the future quantity of existing recreational opportunities. It may reduce the quality of existing recreational opportunities. Additional residents will utilize existing facilities which are currently heavily utilized. It would increase the demand for recreational opportunities.

City policies and programs and the following mitigation measure will reduce recreation impacts to a level of insignificance:

Recreational Facilities and Programs Element

P. Complete developing Dracena Park quarry as a grass playfield.

Mitigation Measure

MM26. If feasible, the City shall require the dedication of open space or in-lieu fees for residential developments of sufficient size. The dedication or fees shall be in relation to the development's impacts on existing recreation and open space facilities. This measure shall be monitored by the City Public Works Department.

20. CULTURAL RESOURCES

20a - 20d

According to the City's General Plan, there are many potential historic sites and structures within the planning area. Following are examples of potential historic sites:

- The first dairy farm, Maxwellton Brae, located in the City's Corporation Yard.
- The Alexander Home on Sea View Avenue. Wallace Alexander formed the Piedmont Council, Boy Scouts of America and the Piedmont Community Church.
- The Havens House designed by Bernard Maybeck.
- The neo-Tudor style home at 320 El Cerrito Avenue designed by John Hudson Thomas.
- The Jurgensen House on Dormidera Avenue designed by Louis Christian Mullgardt, designer of the De Young Museum in San Francisco.

- Julia Morgan homes: the Reed House at Crocker and Farragut, the Starr House at 216 Hampton and two homes on Farragut.
- The Dawson home on Sotello and the home at 76 Sea View designed by Albert Farr.
- The Sweetland manor house at 11 Glen Alpine Road, the largest private dwelling in the East Bay. (City of Piedmont 1984 General Plan)

There is a possibility of prehistoric cultural resources in certain areas of the City. Grading as well as other construction activities may affect prehistoric or historic sites, unique ethnic cultural values, or restrict existing religious or sacred uses within the City area. The City has no documentation regarding prehistoric sites. Mitigation measures have been presented that eliminate potential concerns.

Future residential projects shall comply with the following:

Mitigation Measures

- MM27. Should any future development occur near or around potential historic properties, the project applicant in conjunction with the City shall prepare a design and construction plan which preserves the integrity and appearance of the historic structure. This shall be done to the satisfaction of the City Public Works Department.
- MM28. The City shall require research into potential archaeological sites by the applicant. This shall include contacting the California Archaeological Inventory at Sonoma State University.

As necessary, a qualified archaeologist shall be present during pregrade meetings to inform the developer and grading contractor of the results of the archaeological study. In addition, an archaeologist shall be present during grading activities to inspect the underlying soil for cultural resources. If significant cultural resources are uncovered, the archaeologist shall have the authority to stop or temporarily divert construction activities for a period of 48 hours to assess the significance of the find. This shall be done to the satisfaction of the City Public Works Department.

21. MANDATORY FINDINGS OF SIGNIFICANCE

21a - 21d

The project does have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, threaten plant and animal communities, reduce

the number or restrict the range of rare or endangered plant and animal species, and eliminate important examples of major periods in California history and prehistory. The project may have the potential to achieve short-term to the disadvantage of long-term environmental goals. The project has impacts which are individually limited, but cumulatively considerable. The project may cause substantial adverse indirect or direct impacts on human beings.

ATTACHMENT B

CITY OF PIEDMONT HOUSING ELEMENT UPDATE INITIAL STUDY CONCLUSIONS

INTRODUCTION

The City of Piedmont is considering the approval of a comprehensive Update to their currently adopted Housing Element. The proposed actions constitute a project under the California Environmental Quality Act (CEQA) Guidelines. The City has identified project-specific effects, for the environmental topics described in the Initial Study, which may occur as a result of the project or on a cumulative basis in conjunction with other past, present, and reasonably foreseeable projects. Based upon the Initial Study, the following preliminary impact conclusions have been established.

CONCLUSIONS

Environmental Effects Determined To Be Insignificant

Several insignificant impacts were identified in the Initial Study and will not require any form of mitigation. The impacts found to be insignificant are identified below. Supporting evidence explaining why the impacts are found to be insignificant is provided in Attachment A - Initial Study Checklist Responses.

2. AIR

- b. The proposed project will not create any objectionable odors.
- c. The proposed project is not anticipated to have a significant effect upon air movement, moisture or temperature, or result in any change in climate locally or regionally.

3. WATER

- a. Implementation of the proposed project is not anticipated to change any fresh surface water currents or the course of direction or water movements.
- d. Proposed project uses are not anticipated to change any amount of surface water in any water body.
- g. Additional development is not anticipated to increase the withdrawal of ground waters.

- h. Substantial reduction in the amount of water otherwise available for public water supplies would not result from the proposed project.

4. PLANT LIFE

- d. The proposed project will not reduce existing agricultural production within the City. No agriculture operations are located within the City.

9. NATURAL RESOURCES

Establishment of proposed uses is not anticipated to increase the rate of use of any natural resources.

10. RISK OF UPSET

- b. It is not anticipated that proposed residential uses will interfere with an emergency evacuation plan.

11. POPULATION

The proposal will alter the location, distribution, density or growth rate of the human population of the area. Population growth or change is not considered significant. Indirect impacts associated with population growth such as traffic, noise, air quality, and public services and utilities are addressed in their respective sections of this Initial Study.

13. TRANSPORTATION/CIRCULATION

- a. Proposed residential uses will not generate substantial additional vehicular movement.
- e. The proposed project is not anticipated to cause alterations to waterborne, rail, or air traffic.

15. ENERGY

- a. The proposed project would not result in substantial increases in demand upon existing sources of energy.
- b. The proposed project would not require the development of new sources of energy.

16. UTILITIES

- a. The proposed project will not result in a need for new systems or substantial alterations to water systems.

- d. The proposed project will not result in a need for new systems or substantial alterations to telephone systems.
- e. The proposed project will not result in a need for new systems or substantial alterations to gas systems.
- f. The proposed project will not result in a need for new systems or substantial alterations to electric systems.

Significant Environmental Effects That With Mitigation Can Be Avoided If The Project Is Implemented

Several significant adverse impacts are identified in the Initial Study. These effects will require mitigation measures to be reduced to insignificant levels.

1. EARTH

- a. The proposed project may result in unstable earth conditions or changes in geologic substructures.
- b. Grading will disrupt, displace, compact, and overcover soil.
- c. Grading may change existing topography or ground surface relief features.
- d. Grading may modify unique geologic or physical features.
- e. Construction or proposed residential uses may increase soil erosion by earthwork and other construction activities.
- f. Construction activities may result in siltation impact to creeks and waterways.
- g. The development of residential uses will expose persons as well as property to geologic hazards.

2. AIR

- a. Development of the proposed residential uses may create substantial air emissions related to fugitive dust.

3. WATER

- b. The project will result in changes in absorption rates, drainage, patterns, or the rate, and amount of surface runoff.

- c. Proposed residential uses may alter the flow or course of flood water.
- e. The project may result in discharge into surface waters and alter surface water quality.
- f. The proposed project may result in an alteration to the direction or rate of flow of groundwaters.
- i. The project may expose people or property to water related hazards such as flooding.

4. PLANT LIFE

- a. The proposed residential uses may change the diversity of plant species or the number of species.
- b. Proposed residential uses may impact native habitats and rare or endangered species.
- c. Landscaping associated with new development may introduce new species of plants into the proposed area.

5. ANIMAL LIFE

- a. Development of the proposed residential uses may change the diversity or the number of animal species.
- b. Residential development may reduce animal habitat and reduce the number of unique rare or endangered species of animals.
- c. Additional population in the City may indirectly result in the addition of domestic animal species. Residential development that reduces animal habitat may result in a barrier to the migration or movement of animals.
- d. Existing fish and wildlife habitat would not be deteriorated.

6. NOISE

- a. The project will result in an increase to existing noise levels due to minimal additional traffic.
- b. Increases in noise levels may affect sensitive noise receptors such as residences.

10. RISK OF UPSET

- a. Proposed residential land uses may result in the risk of explosion or the release of hazardous materials.

12. HOUSING

The proposed project may affect existing housing. Secondary impacts include traffic, parking, and aesthetics. Mitigation measures are described under the respective environmental sections. It will not create a demand for additional housing.

13. TRANSPORTATION/CIRCULATION

- b. Additional vehicles will create a demand for additional parking facilities.
- c. Proposed residential uses may have a substantial impact upon existing transportation systems.
- d. Proposed residential uses may alter present patterns of circulation.
- f. Increases in vehicles may increase traffic hazards to other vehicles, bicyclist or pedestrians.

14. PUBLIC SERVICES

- a. The proposed residential uses may affect and/or result in the need for new or altered fire protection services in the area.
- b. The proposed residential uses may affect and/or result in the need for new or altered police protection services in the area.
- c. The proposed residential uses may affect and/or result in the need for new or altered school services in the area.
- d. The proposed residential uses may affect and/or result in the need for new or altered parks or other recreation facilities in the area.
- e. The proposed residential uses may affect and/or result in the need for new or altered road maintenance services in the area.
- f. The proposed residential uses may affect and/or result in the need for other new or altered governmental services in the area, such as application review.

16. UTILITIES

- b. The proposed project will result in the need for new or altered sewer systems.
- c. The proposed project will result in the need for new or altered storm drain facilities.

17. HUMAN HEALTH

- a. Implementation of the proposed project may create potential health hazards as described in Risk of Upset.
- b. Persons may be exposed to potential health hazards.

18. AESTHETICS

The development of the proposed project may result in the obstruction of a scenic vista or view open to the public. Uses developed under the plan may create an aesthetically offensive site in the opinion of the public.

19. RECREATION

The proposed residential land uses may impact the quality and quantity of existing recreational opportunities.

20. CULTURAL RESOURCES

- a. The proposal may alter or destruct a prehistoric or historic archeological site.
- b. The proposal may result in adverse physical or aesthetic effects of a prehistoric or historic building, structure, or object.
- c. The proposal may have the potential to cause a physical change which would affect unique cultural values.
- d. The proposal may restrict existing religious or sacred uses within the potential impact area.

21. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project has the potential to degrade the quality of the environment, including plant and animal communities and examples of California history or prehistory.
- b. The project may have the potential to achieve short-term, to the disadvantage of long-term environmental goals.

- c. The project has impacts which are individually limited, but cumulatively considerable.
- d. The project may have environmental effects which will cause substantial adverse effect on human beings, either directly or indirectly.

**CITY OF PIEDMONT
HOUSING ELEMENT UPDATE
MITIGATION MONITORING PROGRAM**

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PIEDMONT, CALIFORNIA 94611**

PREPARED BY:

**STA PLANNING, INC.
250 MONTGOMERY STREET
SUITE 1000
SAN FRANCISCO, CA 94104**

OCTOBER 11, 1991

MITIGATION MONITORING PROGRAM

INTRODUCTION

The development of a Mitigation Monitoring Program (MMP) is in accordance with Section 21081.6 of the Public Resources Code. The purpose of the Mitigation Monitoring Program is to ensure that proposed mitigation measures included in environmental documentation will extend beyond the pages of the document and are implemented to reduce or eliminate significant detrimental project-related impacts to the environment. The Mitigation Monitoring Program (MMP) will be approved as part of the Piedmont Housing Element Update by the City of Piedmont.

ORGANIZATION AND FORMAT

This Mitigation Monitoring Program has been developed as a stand-alone document. It contains a Summary of Impacts listed in the Initial Study and a Mitigation Monitoring Checklist. The Summary of Impacts is broken down into two impact categories, insignificant impacts and impacts that can be mitigated to a level of insignificance if the project is implemented.

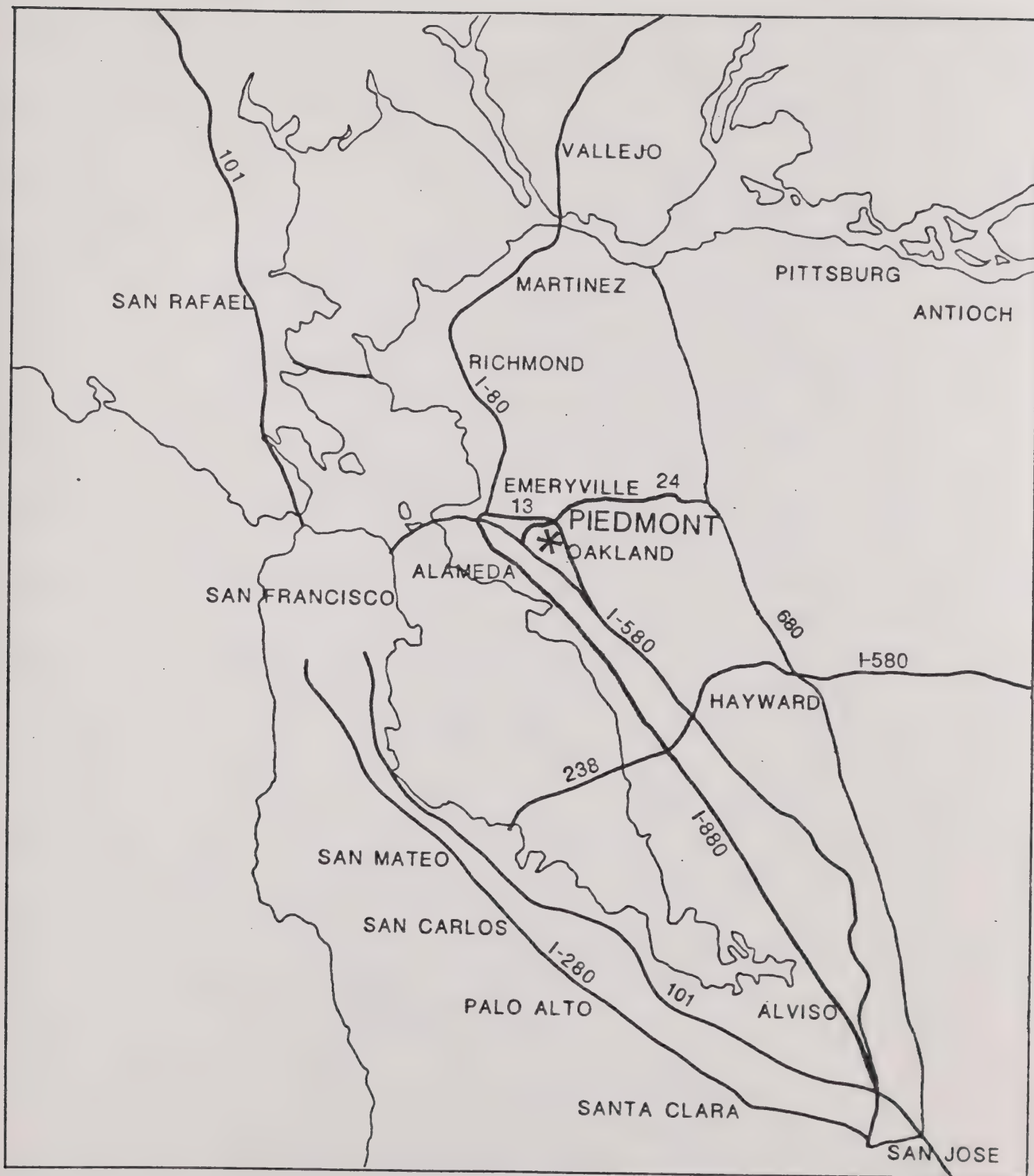
The following Mitigation Monitoring checklist provided on page 11 is designed to act as a tool for ensuring that mitigation measures are implemented. The checklist defines the timing of mitigation measures, the monitor/responsible party, and the verification for each mitigation measure. The mitigation measures have been re-organized in order of implementation. Measures which require fees or dedication shall be based on City ordinances and procedures in effect at the time of project review and approval.

PROJECT LOCATION

The City of Piedmont is located in Alameda County. The City is less than 2 square miles surrounded on all sides by the City of Oakland. It is located approximately 6 miles south-east of Berkeley, and approximately 12 miles northeast of San Francisco. Exhibit 1 provides an illustration of the City's location relative to other cities and highways.

For planning purposes the Study Area includes the City limits of Piedmont. These boundaries constitute the existing City limits and the Planning Area boundary for the Housing Element. Exhibit 2 presents a USGS Map that indicates the City limits.

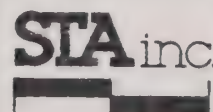
Piedmont became an independent municipality in 1907. In 1909, Oakland annexed all of its surrounding acreage north and east of Piedmont making common boundaries of the two municipalities.



Source: STA Planning, Inc.

REGIONAL LOCATION MAP

HOUSING ELEMENT UPDATE
City of Piedmont



1" = approx.
6 miles

Exhibit 1



Source: USGS Maps-Oakland East and West

USGS MAP

HOUSING ELEMENT UPDATE
City of Piedmont

0 2000'



Exhibit 2

PROJECT CHARACTERISTICS

The proposed project is a Housing Element Update of the current Housing Element of the City of Piedmont adopted November 1984. To comply with State requirements an updated Housing Element is required every five years. Of particular importance is the review of the accomplishments of the previous Housing Element.

The current Housing Element Update has been revised to ensure it includes the following major components:

- An identification of existing and projected housing needs and constraints.
- A statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing.
- An identification of adequate sites for a variety of housing types, as appropriate.

According to the City's fair share housing allocation, twenty-nine units at various income levels need to be developed in order to improve the affordability and the availability of housing in the City and the Bay Area. The Housing Element Update has indicated the capacity for 36 to 45 dwelling units on identified adequate sites. Programs are provided which would amend the City's General Plan and Municipal Code.

CITY OF PIEDMONT HOUSING ELEMENT UPDATE INITIAL STUDY CONCLUSIONS

The City of Piedmont is considering the approval of a comprehensive Update to their currently adopted Housing Element. The proposed actions constitute a project under the California Environmental Quality Act (CEQA) Guidelines. The City has identified project-specific effects, for the environmental topics described in the Initial Study, which may occur as a result of the project or on a cumulative basis in conjunction with other past, present, and reasonably foreseeable projects. Based upon the Initial Study, the following impact conclusions have been established.

CONCLUSIONS

Environmental Effects Determined To Be Insignificant

Several insignificant impacts were identified in the Initial Study and will not require any form of mitigation. The impacts found to be insignificant are identified below. Supporting evidence explaining why the impacts are found to be insignificant is provided in Attachment A of the Initial Study Checklist Responses.

2. AIR

- b. The proposed project will not create any objectionable odors.
- c. The proposed project is not anticipated to have a significant effect upon air movement, moisture or temperature, or result in any change in climate locally or regionally.

3. WATER

- a. Implementation of the proposed project is not anticipated to change any fresh surface water currents or the course of direction or water movements.
- d. Proposed project uses are not anticipated to change any amount of surface water in any water body.
- g. Additional development is not anticipated to increase the withdrawal of ground waters.
- h. Substantial reduction in the amount of water otherwise available for public water supplies would not result from the proposed project.

4. PLANT LIFE

- d. The proposed project will not reduce existing agricultural production within the City. No agriculture operations are located within the City.

9. NATURAL RESOURCES

Establishment of proposed uses is not anticipated to increase the rate of use of any natural resources.

10. RISK OF UPSET

- b. It is not anticipated that proposed residential uses will interfere with an emergency evacuation plan.

11. POPULATION

The proposal will alter the location, distribution, density or growth rate of the human population of the area. Population growth or change is not considered significant. Indirect impacts associated with population growth such as traffic, noise, air quality, and public services and utilities are addressed in their respective sections of this Initial Study.

13. TRANSPORTATION/CIRCULATION

- a. Proposed residential uses will not generate substantial additional vehicular movement.
- e. The proposed project is not anticipated to cause alterations to waterborne, rail, or air traffic.

15. ENERGY

- a. The proposed project would not result in substantial increases in demand upon existing sources of energy.
- b. The proposed project would not require the development of new sources of energy.

16. UTILITIES

- a. The proposed project will not result in a need for new systems or substantial alterations to water systems.
- d. The proposed project will not result in a need for new systems or substantial alterations to telephone systems.

- e. The proposed project will not result in a need for new systems or substantial alterations to gas systems.
- f. The proposed project will not result in a need for new systems or substantial alterations to electric systems.

Significant Environmental Effects That With Mitigation Can Be Avoided If The Project Is Implemented

Several significant adverse impacts are identified in the Initial Study. These effects will require mitigation measures to be reduced to insignificant levels.

1. EARTH

- a. The proposed project may result in unstable earth conditions or changes in geologic substructures.
- b. Grading will disrupt, displace, compact, and overcover soil.
- c. Grading may change existing topography or ground surface relief features.
- d. Grading may modify unique geologic or physical features.
- e. Construction or proposed residential uses may increase soil erosion by earthwork and other construction activities.
- f. Construction activities may result in siltation impact to creeks and waterways.
- g. The development of residential uses will expose persons as well as property to geologic hazards.

2. AIR

- a. Development of the proposed residential uses may create substantial air emissions related to fugitive dust.

3. WATER

- b. The project will result in changes in absorption rates, drainage, patterns, or the rate, and amount of surface runoff.
- c. Proposed residential uses may alter the flow or course of flood water.

- e. The project may result in discharge into surface waters and alter surface water quality.
- f. The proposed project may result in an alteration to the direction or rate of flow of groundwaters.
- i. The project may expose people or property to water related hazards such as flooding.

4. PLANT LIFE

- a. The proposed residential uses may change the diversity of plant species or the number of species.
- b. Proposed residential uses may impact native habitats and rare or endangered species.
- c. Landscaping associated with new development may introduce new species of plants into the proposed area.

5. ANIMAL LIFE

- a. Development of the proposed residential uses may change the diversity or the number of animal species.
- b. Residential development may reduce animal habitat and reduce the number of unique rare or endangered species of animals.
- c. Additional population in the City may indirectly result in the addition of domestic animal species. Residential development that reduces animal habitat may result in a barrier to the migration or movement of animals.
- d. Existing fish and wildlife habitat would not be deteriorated.

6. NOISE

- a. The project will result in an increase to existing noise levels due to minimal additional traffic.
- b. Increases in noise levels may affect sensitive noise receptors such as residences.

10. RISK OF UPSET

- a. Proposed residential land uses may result in the risk of explosion or the release of hazardous materials.

12. HOUSING

The proposed project may affect existing housing. Secondary impacts include traffic, parking, and aesthetics. Mitigation measures are described under the respective environmental sections. It will not create a demand for additional housing.

13. TRANSPORTATION/CIRCULATION

- b. Additional vehicles will create a demand for additional parking facilities.
- c. Proposed residential uses may have a substantial impact upon existing transportation systems.
- d. Proposed residential uses may alter present patterns of circulation.
- f. Increases in vehicles may increase traffic hazards to other vehicles, bicyclist or pedestrians.

14. PUBLIC SERVICES

- a. The proposed residential uses may affect and/or result in the need for new or altered fire protection services in the area.
- b. The proposed residential uses may affect and/or result in the need for new or altered police protection services in the area.
- c. The proposed residential uses may affect and/or result in the need for new or altered school services in the area.
- d. The proposed residential uses may affect and/or result in the need for new or altered parks or other recreation facilities in the area.
- e. The proposed residential uses may affect and/or result in the need for new or altered road maintenance services in the area.
- f. The proposed residential uses may affect and/or result in the need for other new or altered governmental services in the area, such as application review.

16. UTILITIES

- b. The proposed project will result in the need for new or altered sewer systems.
- c. The proposed project will result in the need for new or altered storm drain facilities.

17. HUMAN HEALTH

- a. Implementation of the proposed project may create potential health hazards as described in Risk of Upset.
- b. Persons may be exposed to potential health hazards.

18. AESTHETICS

The development of the proposed project may result in the obstruction of a scenic vista or view open to the public. Uses developed under the plan may create an aesthetically offensive site in the opinion of the public.

19. RECREATION

The proposed residential land uses may impact the quality and quantity of existing recreational opportunities.

20. CULTURAL RESOURCES

- a. The proposal may alter or destruct a prehistoric or historic archeological site.
- b. The proposal may result in adverse physical or aesthetic effects of a prehistoric or historic building, structure, or object.
- c. The proposal may have the potential to cause a physical change which would affect unique cultural values.
- d. The proposal may restrict existing religious or sacred uses within the potential impact area.

21. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project has the potential to degrade the quality of the environment, including plant and animal communities and examples of California history or prehistory.
- b. The project may have the potential to achieve short-term, to the disadvantage of long-term environmental goals.
- c. The project has impacts which are individually limited, but cumulatively considerable.
- d. The project may have environmental effects which will cause substantial adverse effect on human beings, either directly or indirectly.

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<u>Environmental/Project Review</u>				
MM15. Design of lighting for specific building projects will be guided by the following principles: avoid interference with reasonable use of adjoining properties; minimize onsite glare; provide adequate onsite lighting; limit electroliers height to avoid excess illumination; and provide lighting structures which are compatible with landscape design. Lighting design plans shall be submitted for review and approval to the City Public Works Department and to the City Planning Commission.	City of Piedmont Public Works Department and the Planning Commission.	—		—
MM16. Approval of any residential project shall not occur until consistency with the General Plan, Zoning Ordinance, Subdivision Ordinance, Second Unit Ordinance, or any other portion of the Municipal Code is achieved or until these codes and plans are revised and amended. This shall be monitored by the City Planner and City Attorney.	City of Piedmont Planner and City of Piedmont Attorney.	—		—
MM17. During environmental review, a consultant shall be retained by property owners to review potential problems in above-ground structures for hazardous environmental conditions and to determine the most environmentally feasible method for removal. The assessment shall be reviewed by the City Public Works Department, as well as any County, State, or Federal agencies as may be required.	City of Piedmont Public Works and all agencies County, State, or Federal as may be required.	—		—

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<p>MM18. During environmental review, a Management Program shall be prepared by the property owner or their consultant. The Program will detail how all recommended mitigation measures to reduce health hazards will be enforced. The assessment shall be reviewed by the City Public Works Department as well as any County, State, or Federal agencies as may be required.</p>	<p>City of Piedmont Public Works and all agencies County, State, or Federal as may be required.</p>	<p>—</p>		<p>—</p>
<p>MM20. In proportion to the project's incremental impact to the City's circulation system, the project applicant shall contribute to roadway improvement funds and to a parking improvement fund to improve any streets or parking areas which may be impacted by the proposed project. The incremental impact shall be determined through environmental analysis prepared for the proposed project. This measure shall be monitored by the City Public Works Department.</p>	<p>City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>
<p>MM21. During environmental and project review, each affected City department shall review all site plans and project proposals for their potential impacts with respect to the following:</p> <ul style="list-style-type: none"> ● Staffing ● Budgets ● Facilities 	<p>Each affected City department. Coordinated by City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<ul style="list-style-type: none"> ● Response Times ● Access 				
<p>MM22. The project applicant shall pay development fees in proportion to their impact on any governmental service. Fees shall be based on the ordinances and procedures in effect at the time of project review and approval. This shall be done to the satisfaction of the City Public Works Department.</p>	<p>City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>
<p>MM23. During environmental and project review, project applicants shall contact all utilities which may be affected by their proposed project. Each utility shall review the proposed project plans and shall suggest mitigation measures as may be needed. This shall be done to the satisfaction of the City of Piedmont Public Works Department.</p>		<p>—</p>		<p>—</p>
<p>MM24. Landscaping for residential development projects shall be designed in order to minimize visual impacts on adjacent parcels. Special consideration shall be given to orientation of proposed houses (i.e. window and decking) so as to preserve the privacy of adjacent and nearby homes. Landscaping and building design shall be reviewed and approved by the City Public Works Department and the City Planning Commission.</p>	<p>City of Piedmont Public Works Department and the City Planning Commission.</p>	<p>—</p>		<p>—</p>

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
MM25. Further visual analysis shall be conducted at the time of subdivision review. This shall include analysis of conformance to Design Review Guidelines. This analysis shall be reviewed by the City Public Works Department and the City Planning Commission.	City of Piedmont Public Works Department and the Planning Commission.	___		___
MM26. If feasible, the City shall require the dedication of open space or in-lieu fees for residential developments of sufficient size. The dedication or fees shall be in relation to the development's impacts on existing recreation and open space facilities. This measure shall be monitored by the City Public Works Department.	City of Piedmont Public Works Department.	___		___
MM27. Should any future development occur near or around potential historic properties, the project applicant in conjunction with the City shall prepare a design and construction plan which preserves the integrity and appearance of the historic structure. This shall be done to the satisfaction of the City Public Works Department.	City of Piedmont Public Works Department.	___		___
MM28. The City shall require research into potential archaeological sites by the applicant. This shall include contacting the California Archaeological Inventory at Sonoma State University.	City of Piedmont Public Works Department.	___		___

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<p>As necessary, a qualified archaeologist shall be present during pregrade meetings to inform the developer and grading contractor of the results of the archaeological study. In addition, an archaeologist shall be present during grading activities to inspect the underlying soil for cultural resources. If significant cultural resources are uncovered, the archaeologist shall have the authority to stop or temporarily divert construction activities for a period of 48 hours to assess the significance of the find. This shall be done to the satisfaction of the City Public Works Department.</p>				
<p><u>Prior to the Issuance of a Grading and/or Building Permits</u></p>				
<p>MM1. Geotechnical reports shall be prepared by a qualified Engineering Geologist and submitted to the Department of Public Works at the time of review of grading plans. Construction and grading of any site shall be in conformance with the recommendations of the report.</p>	<p>City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>
<p>MM2. Specific methods for mitigating potential hazards related to slope stability, problematic soil conditions, seismicity, groundwater, and rippability shall be assessed and recommended by a qualified Engineering Geologist. The applicant shall incorporate all recommendations into the grading and development plans for the project.</p>	<p>Director of the City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.				
MM3. Geotechnical reports shall establish appropriate project foundation design parameters to avoid hazards related to liquefaction and expansive/compressible soils. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.	Director of the City of Piedmont Public Works Department.	_____		_____
MM4. A grading plan shall include a complete plan for temporary and permanent drainage facilities to minimize any potential impacts from silt, debris, and other water pollutants. Conformance with this mitigation measure shall be determined by the Director of Public Works prior to the issuance of grading and building permits.	Director of the City of Piedmont Public Works Department.	_____		_____
MM7. Prior to the issuance of any grading permits, a method of control to prevent dust and windblown earth problems shall be submitted by the applicant to the City and approved by the Director of Public Works.	Director of the City of Piedmont Public Works Department.	_____		_____
MM8. Grading plans prepared by applicants shall include an erosion, siltation, and dust control plan to be approved by the Director of Public Works. The plan shall include	Director of the City of Piedmont Public Works Department.	_____		_____

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<p>provisions for measures such as immediate planting of vegetation on all exposed slopes, temporary sedimentation basins and sandbagging, if necessary, and watering and compaction programs. The plan shall ensure that discharge of surface runoff from the project during construction activities will not result in increased erosion or siltation immediately downstream of the property.</p>				
<p>MM12. Prior to the issuance of grading and/or building permits, a qualified botanist or Fish and Game representative shall be hired by the applicant to conduct a study and inform developer of the results of the study. In addition, the botanist or California Department of Fish and Game representative shall be present to inspect the plant species. If significant species are identified, the botanist or representative shall have the authority to stop or temporarily divert construction activities in order to assess the significance of the find.</p>	<p>California Department of Fish and Game. Coordinated by City of Piedmont Department of Public Works.</p>	<p>—</p>		<p>—</p>
<p>MM13. Prior to issuance of grading and/or building permits, a qualified biologist or Fish and Game representative shall be hired by the applicant to conduct a study and inform developer of the results of the study. In addition, the biologist or California Department of Fish and Game representative shall be present to inspect the habitat and animal species. If significant species are identified, the</p>	<p>California Department of Fish and Game. Coordinated by City of Piedmont Department of Public Works.</p>	<p>—</p>		<p>—</p>

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<p>biologist shall have the authority to stop or temporarily divert construction activities in order to assess the significance of the find.</p>				
<p>MM14. All projects proposed under the General Plan Housing Element shall be assessed by the City for potential light and glare impacts. The assessment shall be submitted to and approved by the City Public Works Department and the City Planning Commission prior to issuance of grading and building permits.</p>	<p>City of Piedmont Public Works Department and the City Planning Commission.</p>	<p>—</p>		<p>—</p>
<p><u>During Construction</u></p>				
<p>MM5. The applicant shall ensure that fugitive dust emissions during construction are minimized by watering the site for dust control and periodically washing <i>sweeping</i> adjacent streets to remove accumulated material. Compliance with this measure shall be monitored by the Public Works Department.</p>	<p>City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>
<p>MM6. Grading and other soil disturbance shall be terminated by the applicant when wind speeds reach threshold levels that can carry dust and sand for great distances (about 25 mph). Compliance with this measure shall be monitored by the Public Works Department.</p>	<p>City of Piedmont Public Works Department.</p>	<p>—</p>		<p>—</p>

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
MM9. A berm or swale shall be constructed by the applicant along the perimeters at construction site areas where feasible and remain in place through the entire length of the construction period. This shall prevent offsite stormwater runoff from flowing onto the construction site. This shall be done to the satisfaction of the Public Works Department.	City of Piedmont Public Works Department.	—	—	—
MM10. The applicant shall ensure that a temporary sediment basin is located at the point of greatest runoff from any construction site. It shall consist of an embankment of compacted soil across a drainageway. The basin shall not be located in an area where its failure would lead to a loss of life or the loss of service of public utilities or roads. This shall be done to the satisfaction of the Public Works Department.	City of Piedmont Public Works Department.	—	—	—
MM11. To control for erosion problems from runoff on or below slopes, slope drains or chutes and flumes shall be installed by the applicant on the slope to safely carry concentrated stormwater flows. This shall be done to the satisfaction of the Public Works Department.	City of Piedmont Public Works Department.	—	—	—

MITIGATION MONITORING CHECKLIST

MITIGATION MONITORING	MONITOR/RESPONSIBLE PARTY	INITIAL	VERIFICATION	DATE
<u>Prior to Occupancy Permits</u>				
MM19. The project applicant shall construct all streets internal to the project to full ultimate cross-sections prior to obtaining occupancy permits. This measure shall be monitored by the City Public Works Department.	City of Piedmont Public Works Department.	—		—

ATTACHMENT E

STATE CLEARINGHOUSE LETTER
NEGATIVE DECLARATION

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814



Sep 03, 1991

LORI SALAMACK
CITY OF PIEDMONT
120 VISTA AVENUE
ALAMEDA, CA 94611

Subject: CITY OF PIEDMONT HOUSING ELEMENT UPDATE
SCH # 91083007

Dear LORI SALAMACK:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Daralynn Cox at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in dark ink, appearing to read "David C. Nunenkamp".

David C. Nunenkamp
Deputy Director, Permit Assistance

ATTACHMENT F

PLANNING COMMISSION MINUTES
AUGUST 12, 1991

PUBLIC HEARING: Draft Housing Element Update

Ms. Lisa Grueter of STA Planning, the City's consultant in the preparation of the update of Piedmont's 1984 General Plan Housing Element, summarized the update process, stated that the Draft Element has been reviewed by the State Department of Housing and Community Development (HCD), noted that HCD's comments and suggestions have been reviewed by STA and the City's Housing Element Advisory Committee, explained that the City's has prepared a proposed response to HCD via a letter to Mr. Jeff Spano, and recommended that the Commission review the Draft Element, HCD Response Letter, proposed Negative Declaration, take public testimony on the matter, and make recommendations related to the adequacy of the Draft Element, Response Letter and Negative Declaration.

Speakers: Arnie Brown, 127 Woodland Way
Harold Power, 101 Wistaria Way
Barbara Danoff, 10 Craig Avenue
Wally Haglund, 22 Craig Avenue
Charles Liechti, 150 Maxwellton Road

Mr. Brown, Chairman of the Housing Element Advisory Committee, summarized HCD's comments and concerns regarding the Draft Element and highlighted the City's proposed responses to said comments. He felt that the Draft Element and City Response Letter were appropriate and sufficient to satisfy state requirements and continued the spirit of the originally developed framework designed to allow Piedmont to meet its housing obligation as mandated by ABAG. Mr. Power criticized the City for not devoting more time to the public consideration and discussion of this important issue and suggested that the Commission recommend to the City Council that a greater publicity effort be undertaken to advise citizens of the proposed changes to the Housing Element (e.g. all-City mailer). He also suggested that the Council hold a special meeting for the exclusive purpose of discussing and considering the proposed Draft. Mrs. Danoff recommended that reference to 29 Craig Avenue as an "identified housing site" within the Draft Element be either deleted or amended to note on-going deliberations concerning this site. Mr. Haglund agreed. Dr. Liechti disagreed with the Draft Element's assertion that the Maxwellton area is suitable for low-cost/senior housing, citing his belief that the area's "view property" characteristics makes it economically unfeasible for low-cost housing and its absence of sidewalks, night lighting and distance from shopping districts and medical facilities makes it impractical for senior housing. He requested that the Draft delete mention of the Maxwellton area as a site suitable for low-cost or senior housing.

The Commission discussed the Draft Element and Response Letter and felt that since it is not the "lead agency" for the City (this responsibility falls to the City Council), it would be inappropriate for the Commission to make changes to the documents. However, the Commission recommended that the City Council consider the following issues during its review of the Element and Response:

Speakers: Patrick Ellwood, 1345 Grand Avenue

HAROLD TRENT POWER
101 Wistaria Way
Piedmont CA 94611

(510) 547-5289

Piedmont City Council Meeting
Tuesday January 21 1992

Public Comment Re: Housing Element Update

A review of the draft housing element, prepared by the City Planner and members of STA Inc (draft dated April 15, 1991), suggests consideration of the following proposals and/or comments:

1. Second Dwelling Units, Chapter 17D, Extension of Amortization Period for Second Units — extended from December 31, 1991 to "1994". If adopted, enforcement of existing second unit ordinance, scheduled to commence January 1992 would be postponed. Proposal for citizens' committee to study the second unit issue. STA p. 60, paragraph 3, Implementation Program.

Recommend: Withhold approval to extend registration period to "1994". Charge Citizens' Committee to study second unit issues and procedures for enforcement of existing Second Unit Ordinance. Report on or by April 1.

As of January 21, 1992, registered second units in the City of Piedmont were listed as:

26 exempt
81 not exempt
52 separate living quarters

The continued existence of second units in the community is having adverse and aggravating effects in many neighborhoods — congestion, parking, loss of neighborly relations. Comments are now being heard complaining about lack of enforcement of the Second Unit Ordinance and questioning the integrity of the City administration.

2. Adequate Sites Land Surveys, Piedmont. STA Inc April 15 1991 and September 1990. Subject surveys offer interesting and worthwhile solutions to the housing and open-space needs of the community.

BLAIR PARK — 256,586 sq. ft. 5.89 acres level Zone B 21 units
Largest unimproved property in City. General plan recommended for housing and open space

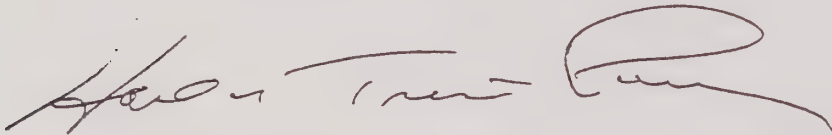
MAXWELTON ROAD — 93,218 sq. ft. 2.14 acres (74,575 sq. ft. net) partial level Zone A 8 units Low-cost or senior housing not feasible, access problems. Negotiations with Cemetery owner pending.

PG&E PROPERTY Linda/Oakland Bridge — 16,553 sq. ft. .38 acre level Zone C Road access 8 units Negotiations with PG&E pending.

OTHER — "Mansion Home" Concept — Senior citizen housing
STA Inc April 15, 1991 has provided copy of Greenwich CT municipal code describing "Group Living Facilities" for the elderly and including special requirements. Piedmont's General Plan (1984) urged serious consideration of the Mansion Home as a practical solution for senior housing.

During meetings of the Planning Commission February 25 and August 21, 1991 members offered interesting and worthwhile solutions to the housing needs of the community. Minutes attached.

Recommend: Each of the land sites described in the surveys can provide solutions to the needs for low- and medium-income housing. The Blair Park area, the largest unimproved area in the City, has the unique feature of accessibility, transportation, and a potential for the development of both housing, open space and recreational needs. Invitations to bid on the project would be welcomed by developers many of whom are probably not aware of this housing potential.

A handwritten signature in dark ink, appearing to read "Harold Trent Power", with a large, stylized loop at the end.

Harold Trent Power

Attachments — Minutes Planning Commission 2/25 and 8/21/91

CITY OF PIEDMONT

Planning Commission Special Meeting Minutes

February 25, 1991

Commission

Patricia White, Chairman
Fred Karren
Wayne Batavia
Allyn McAuley (excused absence)
Denny McLeod (excused absence)

City Planner

Lori Salamack

Director of Public Works

Larry Rosenberg
Acting City Planner
Barry Miller

Recording Secretary

Christine Harbert

CALL TO ORDER

Chairman White called the special meeting to order at 7:35 p.m. She announced that the purpose of the meeting is for the Commission to review the Draft Housing Element prepared by STA Planning, Inc., hear public testimony on the Draft and make recommendations to the City Council.

PRESENTATION OF THE DRAFT ELEMENT

Mr. Fred Talarico of STA Planning, Inc. stated that the Draft Element was prepared in conjunction with input from the City's General Plan/Housing Element Review Committee pursuant to state law which requires cities to review their housing elements every five years and submit the revisions to the State Department of Housing and Community Development (HCD) for review. The elements must identify and analyze existing and projected housing needs and include goals, policies and quantified objectives addressing the preservation, improvement and development of housing. The elements must also identify adequate sites for rental housing, factory-built housing, mobile homes, and emergency/transitional shelters as appropriate and make adequate provisions for the existing and projected needs of all economic segments of the community. Mr. Talarico stated that the City's Draft Element was finalized in December 1990 and is now ready for initial HCD review and he recommended that the Commission forward the Draft to the City Council for consideration and forwarding to HCD.

Mr. Arnie Brown (127 Woodland Way) and Mrs. Tamra Hege (80 Florida Avenue), members of the City's General Plan/Housing Element Review Committee commended STA Planning for its responsiveness to Committee requests and concerns, emphasized the considerable input the Committee provided in the Draft Element's preparation, and noted the Committee's confidence that the Draft meets state requirements. In addition, Mr. Brown: (1) felt that the Draft Element successfully balanced the

community's strong desire for the preservation of open space with ABAG's number of "fair share" housing units mandated for Piedmont; (2) underscored the Committee's recommendation that the Commission request the City Council to authorize a study for the purposes of proposing a viable plan for addressing second units in Piedmont. Clear guidance and an adopted program regarding this issue is needed; (3) noted the Committee's belief that more City attention should be devoted to housing for Piedmont's senior citizens and that the Draft Element makes provisions to to this; and (4) clarified the Committee's position with regard to manufactured housing that the central issue is housing appearance and not mode of manufacture and that all housing, including manufactured housing, should be made to comply with the City's Design Review Guidelines. Mrs. Hege underscored the Committee's consensus that Piedmont does need to meet its obligations to provide housing for a variety of people and needs. She also noted her personal support for retaining the City's existing, moderate housing stock. She recommended that while the City's older housing stock should be allowed to be improved, these improvements should not be permitted to change the nature of the home as a "starter" house since there currently is not enough housing to meet the needs of young adults seeking to reside in Piedmont.

PUBLIC TESTIMONY

Harold Power, 101 Wistaria Way

Mr. Power cited particular sections and text of the Draft which he felt were too vague and in need of further amplification. The specific sections cited were: (1) Page 52, paragraphs 2 and 4, believing that an explanation as "to why" was needed; and (2) Page 56, paragraphs 5 and 6, believing that the text should specifically identify and comment on the concept of "Mansion Homes" as a means for providing senior housing. Mr. Power further felt that the Draft Element (1) seemed to direct or allocate all potential senior citizen housing sites to only the Grand Avenue area of Piedmont; (2) failed to address the existence within the City of large parcels having multiple lots; (3) should recommend the re-examination of the City's Estate Zone since the majority of lots within the zone do not meet zone standards; and (4) should recommend the appointment of a Housing Task Force to implement the recommendations contained in the Draft or identify precisely who within the City will be responsible for implementation.

Shirley Schell, 24 York Drive

Mrs. Schell, President of the Piedmont League of Women Voters, commended STA and the Review Committee on their efforts and read a prepared statement setting forth the League's belief that the City should meet its "fair share" of housing as determined by ABAG requirements and that compliance with this mandate can be accomplished without changing the character of the City or impairing its quality of life. Mrs. Schell also requested the Commission's cooperation in encouraging residents to participate in the Housing Element review process.

Margaret Parsons, 319 Mountain Avenue

Mrs. Parsons concurred with Mrs. Schell's comments and encouraged the City not to take a "NIMBY" attitude with regard to sharing the Bay Area's burden of providing affordable housing.

Grier Graff, 94 Ramona Avenue

Mr. Graff, a member of the General Plan/Housing Element Review Committee, responded to Mr. Power's comments by stating that Piedmont's implementation of 60% of its housing programs is considered a "good performance" level and that the Draft Element's language was intentionally made vague in some instances because the Element will serve as a City guideline for five years and must therefore leave room for innovative solutions and approaches not currently known.

Alan Cohen, 150 Maxwellton Road

Mr. Cohen inquired re HCD requirements and the process of Housing Element preparation and Mr. Talarico responded by highlighting the major elements of state laws and requirements regarding housing elements and the penalties involved for non-compliance.

Mr. Talarico also responded to Commission concerns regarding the vagueness of the 1984 Housing Element paragraphs cited by Mr. Power (page 52), noting that the proposed language is the most advantageous to the City and will satisfy the state. He also stated that Piedmont's 60% implementation rate for housing program compliance is higher than any city he has examined.

COMMISSION DISCUSSION

The Commission indicated strong support of the "Mansion Home" concept for providing senior citizen housing and recommended that this idea be pursued. It noted that there are several large homes on large parcels that are no longer selling/affordable/attractive as single-family residences and these existing homes and properties could provide an excellent way via Mansion Home conversion or construction of satellite homes on the large estates for the community's older residents to remain in Piedmont.

The Commission also discussed potential sites for construction of affordable housing and recommended that Blair Park be considered as a possible site since it is level, has good access to the center of town as well as to the shopping district of Montclair, is not currently usable or developable as a park because of its narrow configuration and minimal sunlight, is screened from view, would be less costly to develop than proposed housing sites along upper Maxwellton, and even if developed with affordable and market-rate housing, would still provide a buffer of open space via the large hillside below Scenic Avenue.

Commissioner Batavia noted his desire that the City's second unit ordinance be re-examined to consider the potential of such units for senior housing.

The Commission approved by consensus the forwarding of the Draft Housing Element to the City Council, with the request that the Council review issues raised by the Commission regarding use of Blair Park, the sufficiency of the language of paragraph 4 on page 52 of the Draft, the concept of Mansion Home housing, and a re-examination of the City's second unit housing ordinance.

ADJOURNMENT

There being no further business, Chairman White adjourned the meeting at 8:35 p.m.

CITY OF PIEDMONT

Planning Commission Meeting Minutes

August 12, 1991

Commission

Patricia White, Chairman
Fred Karren
Denny McLeod
Wayne Batavia
LuLynn de Silva (excused absence)

City Planner

Lori Salamack

Planning Technician

Kristin Johnson

City Council Liaison

Vice Mayor Katy Foulkes

Recording Secretary

Christine Harbert

CALL TO ORDER

Chairman White called the meeting to order at 6:35 p.m. She announced that Agenda Items #2 (Variance/Design Review, 58 Sotelo Avenue) and #3 (Design Review, 2 St. James Drive) have been withdrawn from tonight's consideration.

APPROVAL OF MINUTES

Approval consideration of the Commission's July 8, 1991, meeting minutes was deferred to the September meeting.

CONSENT CALENDAR

RESOLVED, that the Planning Commission adopts by consent the following Resolutions, attached hereto, for variance and/or design review pursuant to Sections 17.21 and 17.20 of the City Code:

Mr. & Mrs. Paul Dion, 210 Blair Avenue	116-V-91/116-DR-91
Mr. & Mrs. John Craig, 317 Mountain/1 Sharon Ct.	140-DR-91
Ms. Mary Wissenbach, 143 Ricardo Avenue	154-DR-91
Mr. & Mrs. Robin Chetkowski, 135 Somerset Rd	155-V-91/155-DR-91

First: Karren Second: Batavia
Ayes: White, Karren, McLeod, Batavia
Absent: de Silva
MOTION CARRIED

PUBLIC FORUM

No one wished to address the Commission.

PUBLIC HEARING: Draft Housing Element Update

Ms. Lisa Grueter of STA Planning, the City's consultant in the preparation of the update of Piedmont's 1984 General Plan Housing Element, summarized the update process, stated that the Draft Element has been reviewed by the State Department of Housing and Community Development (HCD), noted that HCD's comments and suggestions have been reviewed by STA and the City's Housing Element Advisory Committee, explained that the City's has prepared a proposed response to HCD via a letter to Mr. Jeff Spano, and recommended that the Commission review the Draft Element, HCD Response Letter, proposed Negative Declaration, take public testimony on the matter, and make recommendations related to the adequacy of the Draft Element, Response Letter and Negative Declaration.

Speakers: Arnie Brown, 127 Woodland Way
Harold Power, 101 Wistaria Way
Barbara Danoff, 10 Craig Avenue
Wally Haglund, 22 Craig Avenue
Charles Liechti, 150 Maxwellton Road

Mr. Brown, Chairman of the Housing Element Advisory Committee, summarized HCD's comments and concerns regarding the Draft Element and highlighted the City's proposed responses to said comments. He felt that the Draft Element and City Response Letter were appropriate and sufficient to satisfy state requirements and continued the spirit of the originally developed framework designed to allow Piedmont to meet its housing obligation as mandated by ABAG. Mr. Power criticized the City for not devoting more time to the public consideration and discussion of this important issue and suggested that the Commission recommend to the City Council that a greater publicity effort be undertaken to advise citizens of the proposed changes to the Housing Element (e.g. all-City mailer). He also suggested that the Council hold a special meeting for the exclusive purpose of discussing and considering the proposed Draft. Mrs. Danoff recommended that reference to 29 Craig Avenue as an "identified housing site" within the Draft Element be either deleted or amended to note on-going deliberations concerning this site. Mr. Haglund agreed. Dr. Liechti disagreed with the Draft Element's assertion that the Maxwellton area is suitable for low-cost/senior housing, citing his belief that the area's "view property" characteristics makes it economically unfeasible for low-cost housing and its absence of sidewalks, night lighting and distance from shopping districts and medical facilities makes it impractical for senior housing. He requested that the Draft delete mention of the Maxwellton area as a site suitable for low-cost or senior housing.

The Commission discussed the Draft Element and Response Letter and felt that since it is not the "lead agency" for the City (this responsibility falls to the City Council), it would be inappropriate for the Commission to make changes to the documents. However, the Commission recommended that the City Council consider the following issues during its review of the Element and Response:

— that the concept of "Mansion housing" for senior citizens be specifically referenced in the Response Letter (e.g., Response #4 or #14) to underscore the importance of examining this housing option for Piedmont;

-- that the Maxwellton Road area not be identified as a potential site for low-cost ~~or senior~~ housing because of its difficult location and service access for a major development. The area is more appropriately suited for single-family housing and should be so designated;

-- that ~~Blair Park~~ be reconsidered as a potential site for multi-family/senior housing, with said development to incorporate open space and perhaps a playfield within its proposal. (Chairman White did not support this recommendation);

-- that the designation of 29 Craig Avenue as an identified housing site include an explanation of the issue and description of the property under "Site Characteristics."

RESOLVED, that the Planning Commission adopts the attached Resolution recommending certification as complete and adequate of the Negative Declaration for the Housing Element Update.

First: Batavia Second: Karren
Ayes: White, Karren, McLeod, Batavia
Absent: de Silva
MOTION CARRIED

RESOLVED, that the Planning Commission adopts the attached Resolution recommending adoption of the 1991 Housing Element Update.

First: Batavia Second: Karren
Ayes: White, Karren, McLeod, Batavia
Absent: de Silva
MOTION CARRIED

REGULAR CALENDAR

Pine Mountain Corporation, 1375 Grand Avenue

The Pine Mountain Corporation is requesting a Conditional Use Permit to operate general office services at the new commercial building at 1375 Grand Avenue. The hours of operation will be 8:00 a.m. to 6:00 p.m., Monday through Friday, with some late and weekend hours as work load requires. The business will have 10 general office personnel and 13 on-site parking spaces. One hundred forty-three notices were mailed and five affirmative responses were received. The City Planner referenced a report on her evaluation of the building's on-site parking capacity, noting her observation that parking spaces are not clearly delineated and tenants often do not park properly.

Speakers: Patrick Ellwood, 1345 Grand Avenue

120 Vista Avenue
Piedmont California 94611

Jan. 20, 1992

JAN 21 1992

CITY CLERK
OF PIEDMONT

Dear Mayor and Members of the Council,

We understand the Piedmont City Council adopted an ordinance in 1989 prohibiting the use of second units, except under certain conditions.

We also understand the 5 year amortization period allowing the use of non-exempt second units expired on December 31, 1991. We ask your support to extend the amortization period for an additional 3 years to December 31, 1994.

As a result of the devastating fire in Oakland, and the increased demand for housing by our former neighbors in the area, we feel that an extension is timely and prudent. Housing in the Oakland/Piedmont area after the fire is difficult to obtain. Many people who lost their homes prefer to stay in the immediate area because of their jobs and ties with the community. However, these displaced homeowners may have no choice because of the shortage of available rental units.

If an extension of the 5 year amortization period were granted, available second units in Piedmont could provide badly needed housing to our neighbors.

We ask you to extend the amortization period for the use of non-exempt second units in Piedmont so that all available housing is used until homes burnt in the fire are rebuilt.

Sincerely,

Randy Wu and Lorraine Chao

Randy Wu and Lorraine Chao
130 York Drive

David & Angie Lee
120 York Dr.

Piscataway & Bob Busch
125 York Drive

Karen & Paul Bixby
129 York Drive

Ivy Kuo
134 YORK DR.

117 York Drive
Piedmont, CA 94611

Dear Mayor and Members of the Council:

We the property owners of
117 York Drive oppose authorization
of a second unit at 130 York Drive.

We do not support an extension
of the amortization period for
the use of non exempt second
units in Piedmont.

Sincerely,

Christine and Frederick Brown
Freda Brown Jr.
Dorothea A. Brown

APPENDIX B
ADEQUATE HOUSING SITES

ADEQUATE HOUSING SITES

ADEQUATE SITES

State law requires that a community identify adequate sites for the development of a variety of housing types:

Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including *rental housing, factory-built housing, mobile homes, emergency shelters, and transitional housing* in order to meet the community's housing goals as identified in subdivision (b). [emphasis added] Government Code Section 65583(c)(1).

In response to State law, the Municipal Code will be amended to allow for factory-built housing and mobile homes. City policies and programs will help improve and preserve the City's rental stock. Currently, there is no need for an emergency or transitional shelter.

A land survey was conducted on May 23, 1990. The following chart generally indicates potential market rate and affordable housing sites. Each potential site was analyzed for development potential based on size, location, infrastructure, and zoning. Dwelling capacities are noted.

The most feasible site for affordable housing is located at Linda Avenue/Oakland Avenue Bridge due to its multi-family zoning, proximity to other multi-family areas, and access to public transit and nearby commercial uses. This site will be investigated for possible senior citizen affordable housing.

SITES REJECTED FROM CONSIDERATION

Other sites investigated for underutilized space, but rejected from consideration include Corpus Christi Church, Piedmont Neighborhood Church, and Zion Lutheran Church. Results of the investigation indicate that there are no available sites to construct or adopt a structure for additional dwellings. In particular, the Piedmont Neighborhood Church is currently renovating and investing in the existing dwelling onsite.

Two other sites rejected from consideration include Blair Park and the Corporation Yard. Blair Park is owned by the City. Blair Park is designated by the General Plan and currently used for open space uses. Although the Zoning Code permits residential uses on the property, the lack of parks and open space in Piedmont is a priority issue for the community as reflected in Recreation Element policies and programs. Due to lack of open space and City charter provisions allowing citizens to vote on zoning issues, development of housing on Blair Park is considered unlikely. Other available sites are more suitable and feasible.

The Corporation Yard is located in the Moraga Canyon area. Portions of the property are underdeveloped. Uncompacted fill has been placed on the site in certain areas. The nature of materials used as fill is unknown, as well as, the extent of fill. Based upon information provided by the Public Works Department, development of structures is probably infeasible due to construction costs and/or safety hazards. The property would best be developed with less intensive uses such as open space or recreation.

Sites remaining under consideration, if developed, will more than adequately meet the City's fair share housing needs as determined by ABAG.

ADDITIONAL SITES TO BE INVESTIGATED

As appropriate, the City may wish to examine the development of mixed uses or residential uses only in commercially-designated areas of the City, particularly along Grand Avenue. These sites are relatively level and would have access to public services and utilities. There are 3.7 acres of commercial uses in the City. Approximately 2.4 acres of commercial uses are located along Grand Avenue near existing multi-family areas.

ADEQUATE SITES LAND SURVEY - PIEDMONT

SITE #	POTENTIAL TYPE OF UNITS	LOCATION/ ADDRESS	APPROXIMATE GROSS SQUARE FEET	SITE CHARACTERISTICS	ACCESS TO INFRASTRUCTURE		ZONING	NET SQUARE FEET	NET DWELLING UNIT CAPACITY ¹
					YES	NO			
1	Market Rate	Lot 37 Valiant Place	7,000 s.f. (.16 ac)	current non- conforming 1 lot, steep slope can't be subdivided	water sewer road		A	5,600	1 approved
2	Market Rate	Between Estates Dr. and Park Blvd.	74,000 s.f. (1.7 acres)	3 smaller lots. 1 Flag lot that could be sub- divided. Lots are elevated. No access to Park Blvd.	water sewer	need private road	A	59,200	5
3	Market Rate	Lot 190 Wyngarde Avenue	6,000 s.f. (.14 acre)	1 lot non-conforming	water sewer road		A	4,800	1
4	Market Rate	Lot 157 Hampton Road	7,500 s.f. (.17 acre)	1 lot non-conforming	water sewer road		A	6,000	1 approved

Continued.

¹

This represents the Net Theoretical Capacity. Gross square footage was multiplied by .80 to estimate the net square footage. A twenty percent reduction in the site area accounts for necessary easements, dedications, etc. Given that detailed site review was not accomplished for each property, lot coverage may be smaller due to steep topography.

ADEQUATE SITES LAND SURVEY - PIEDMONT (Cont.)

SITE #	POTENTIAL TYPE OF UNITS	LOCATION/ ADDRESS	APPROXIMATE GROSS SQUARE FEET	SITE CHARACTERISTICS	ACCESS TO INFRASTRUCTURE		ZONING	NET SQUARE FEET	NET DWELLING UNIT CAPACITY
					YES	NO			
5	Market Rate	Hampton Road b/w Seaview and Glen Alpine	38,000 s.f. (.87 ac)	Approved 3-Lot subdivision	water sewer road		E	30,400	3
6	Market Rate	LaSalle Ave/Indian Avenue	165,600 s.f. (3.8 ac)	1 existing home would remain. Proposed for a 4-6 lot subdivision	water sewer	need private road	A	132,480	6-15
7	Market Rate	105 Florada Avenue	45,742 s.f. (1.1 ac)	Steep slope; cannot be subdivided	water sewer road		A	36,594	1 approved
8	Market Rate	Craig Avenue	6,000 s.f. (.14 ac)	one lot	water sewer road		A	4,800	1

Continued.

ADEQUATE SITES LAND SURVEY - PIEDMONT (Cont.)

SITE #	POTENTIAL TYPE OF UNITS	LOCATION/ ADDRESS	APPROXIMATE GROSS SQUARE FEET	SITE CHARACTERISTICS	ACCESS TO INFRASTRUCTURE		ZONING	NET SQUARE FEET	NET DWELLING UNIT CAPACITY
					YES	NO			
9	Market Rate	201 Pacific	54,014 s.f. (1.24 ac.)	Steep slope; cannot be subdivided	water sewer	need loop road	A	43,211	1
10	Market Rate/ Affordable	Maxwellton Road	93,218 s.f. (2.14 ac.)	Partially level; some landsliding occurred in 1982	water sewer road (City owns access road)		A	74,575	8
11	Market Rate/ Affordable	PG&E Property Linda/ Oakland Bridge	16,553 s.f. (.38 ac.)	PG&E Storage Building Level Site	water sewer road		C	N/A road access and other easements not needed	8
TOTAL UNDER CONSIDERATION			11 Sites						36-45
Notes:		A = Single Family Residential			E = Single Family Residential Estate				
		C = Multiple Density Residential Zone							

APPENDIX C

GLOSSARY

GLOSSARY OF HOUSING PROGRAMS

Adaptive Reuse

The conversion of outmoded buildings can provide the opportunity for new residential uses within a community. Buildings converted are often large and vacant and were used for institutional or other non-residential activities.

As a housing strategy, adaptive reuse can introduce housing into non-residential areas, restore buildings to a useful purpose, or provide live/work space at a reasonable cost. Some adapted buildings are local landmarks of historical and/or architectural significance, containing features that cannot be easily duplicated at today's construction costs. These projects may qualify for preservation tax credits for private investors if used for low income housing.

Communities can encourage adaptive reuse through flexible zoning, such as mixed use, or by allowing residences as a permitted use in certain commercial and industrial zones. Historical tax credits and programs and organizations supportive of preservation will provide additional clout and resources for adaptive reuse.

California Homeownership Assistance Program

This program provides mortgage loans to eligible borrowers. The program provides funds to pay for up to 49% of a home in return for equity participation. Commitments for the funds can be made to nonprofit and for-profit developers of new construction. The program is administered by the Housing Construction Finance section of the State Department of Housing and Community Development (HCD).

California Housing Finance Agency (CHFA)

The Agency is a tax-exempt public instrument and political subdivision of the State of California. CHFA, established in September 1975 by an Act of the California Legislature, was created to assist in meeting the State's need for decent affordable housing to low- and moderate-income persons and families. CHFA's basic function is to provide below-market interest rate mortgage capital through the sale of tax-exempt notes and bonds.

California Self Help Housing Program

The Self-Help Housing Program was established in 1984 to make homeownership possible for low-income families who are willing and able to provide a majority of the labor necessary to build their own home. Construction of such homes is usually done under the supervision of non-profit housing development corporations which assist the borrower with

land acquisition, building plans, and construction. The California Housing Finance Agency (CHFA) assists the self-help borrower by providing permanent loan financing at a reduced mortgage rate and by providing credit enhancements to construction lenders to encourage them to make the construction loan.

Community Development Block Grants (CDBG)

These funds provide flexible federal dollars to local communities for use in the development of affordable housing or to undertake other community development endeavors. Local jurisdictions can use CDBG funds for a variety of housing efforts. New housing and major rehabilitation have been funded on a case-by-case basis, on-going housing improvements programs have been funded, land has been purchased for future development, short- and long-term loans have been granted, counseling and referral programs have been run to help persons with special needs find housing, and many other objectives have been achieved with CDBG funds. The significant requirement for use of the funds is that at least 51% of the funds benefit persons of low- and moderate-income.

Deferred Payment Rehabilitation Loan Program

This program provides money for deferred payment, 3% interest rate loans, to lower income owner-occupants, and owners of rental or residential hotel properties for low-income tenants. The program is administered by the Housing Construction Finance section of the State Department of Housing and Community Development.

Density Bonus Law

State law (Government Code Section 65915) provides that a local government shall grant a density bonus of at least 25 percent, and an additional incentive, or grant financially equivalent incentive(s), to a developer of a housing development agreeing to construct at least:

- a) 20% of the units for lower-income households; or
- b) 10% of the units for very low-income households; or
- c) 50% of the units for senior citizens.

Every jurisdiction must adopt an implementing ordinance for density bonuses, including a procedure for evaluating preliminary applications. The ordinance must specify which of the following three types of developer incentives will be provided; one of the types must include procedures for modifying development and zoning standards:

1) Modify development standards

- Reduce site development standards, e.g. street widths or paving, curbs/gutters, location of public works improvements, landscaping.
- Modify zoning codes requirements, e.g. open space, minimum lot size, setbacks, parking standards.
- Reduce or eliminate any design requirements exceeding state building code standards, e.g. restrictions on roofing materials.

Each jurisdiction should stipulate what information is to be provided by the developer to justify a request to modify development or zoning standards, and the review and approval process to be used. Standardized application forms should be developed for this purpose.

2) Permit mixed-use zoning within housing development

Allow non-residential uses along with residential if mixed use can reduce housing cost over housing-only on a site, e.g., uses which might qualify for off-site parking and/or parking in-lieu fees.

3) Allow other regulatory incentives

Allow other measures which can be shown to result in identifiable cost reductions, e.g., additional density bonus, expedited processing, use of redevelopment funds or powers, or other public financing (there is however, no requirement to offer direct financial assistance).

Housing Assistance Program

This program provides Section 8 certificates to developmentally, mentally, and physically disabled adults. Section 8 certificates are subsidies which enable eligible persons to afford market-rate housing rents. The program is sponsored by the Special Housing Needs section of the State Department of Housing and Community Development.

Minority and Small Business Development

This division of the California Housing Finance Agency (CHFA) provides assistance to minority-owned and women-owned developers and encourages participation of these developers in CHFA programs. CHFA uses innovative outreach programs to increase participation of minority real estate developers in CHFA single and multi-family programs.

Mortgage Credit Certificates (MCC)

This federally created, but locally run, program assists first-time homebuyers in qualifying for mortgages. Mortgage Credit Certificates are issued by a local agency, frequently a housing authority, to qualified low- or moderate-income, first-time homebuyers. The IRS allows eligible homebuyers with a Certificate to take 20% of their annual mortgage interest as a dollar-for-dollar tax credit against their federal personal income tax. This enables first-time buyers to qualify for a larger mortgage than otherwise possible, and thus can bring homeownership within their reach.

The support and participation of local real estate agents and lenders is the key determinant of success in this program. Since real estate agents and lenders will implement the program, their early and continued involvement will greatly enhance the usability of MCCs. With the involvement of real estate agents and private lenders, the local government has much less administrative burdens than with other housing programs.

Nonprofit Housing Program

The California Housing Finance Agency (CHFA) provides financing for contractor-built single-family homes developed by nonprofit organizers which serve lower income families. CHFA issues commitments to non-profit organizations from the Agency's Home Mortgage Purchase Program at favorable interest rates.

Predevelopment Loan Program

This program provides low interest loans to local governments, housing authorities, or nonprofit corporations for site acquisition and preparation, fees, and bonding expenses. The program is administered by the Housing Construction Finance Section of the State Department of Housing and Community Development (HCD).

Proposition 77

In June, 1988, California voters approved Proposition 77, which authorized the State to issue \$150 million in general obligation bonds for various housing rehabilitation activities. The State Department of Housing and Community Development (HCD) will make a portion of these bond proceeds available as deferred payment, low-interest loans for the rehabilitation of owner-occupied housing to benefit lower-income households. Proposition 77 provides for the following:

- \$70 million for general purpose rehabilitation of owner-occupied and rental housing. These funds are available for acquisition of rental housing other than residential hotels.

- \$80 million for costs related to seismic reinforcement of multi-family rentals mandated by local building codes.
- Multi-purpose rehabilitation program based on HCD's Special User Housing Rehabilitation and Deferred Payment Rehabilitation Loan Program.
- Governed by AB 2032 (Prop 77), SB 1692 (mainly Section 2) and Health and Safety Code Sections 50660 through 50670.

Proposition 84

In November, 1988, California voters approved this proposition, which authorized the State to issue \$300 million in General Obligation Bonds for a variety of critical housing needs. Proposition 84, administered by the State Department of Housing and Community Development (HCD), encompasses the following:

- \$15 million for new construction or acquisition and rehabilitation of rental housing primarily for families and the elderly. This rental housing is to be accompanied by supportive services and employment training programs.
- \$25 million for subsidies to first-time homebuyers.
- \$200 million for a new construction program created through extensive modification of HCD's old Rental Housing Construction Program (RHCP).
- \$25 million for acquisition and rehabilitation of residential hotels through the Proposition 77 rehab program.
- \$25 million for emergency shelter through HCD's Emergency Shelter Program (ESP).
- \$10 million for migrant farm labor centers.
- Governed by SB 1693 (contains text of Prop 84), SB 1692 (mainly Section 3 through 7), and various statutes related to existing HCD programs.

Senior Citizens Shared Housing Program

This program, administered by the Special Housing Needs Section of the State Department of Housing and Community Development, provides grants to local governments and nonprofits helping senior citizens find others with whom they can share housing.

Special User Housing Rehabilitation Program

This program is administered by the Housing Construction Finance Section of the State Department of Housing and Community Development. The program offers 3 percent, 30-year deferred payment loans for rehabilitating residential hotels and other housing occupied by the elderly, disabled, and lower-income persons.



